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A  
REPORT  
OF  
AN INQUIRY  
INTO THE  
PRESENT STATE

OF  
Warwick Corporation,

AS  
GIVEN IN EVIDENCE

BEFORE  
R. WHITCOMBE, and A. E. COCKBURN,  
Esquires,

THE COMMISSIONERS APPOINTED BY HIS MAJESTY TO INQUIRE  
INTO THE EXISTING STATE OF THE MUNICIPAL CORPO-  
RATIONS IN THE NORTH MIDLAND DISTRICT,  
IN ENGLAND,

*At the Shire Hall, in Warwick,*

ON  
The 10th, 11th, 12th, and 23rd Days of OCTOBER, 1833.

WITH  
AN APPENDIX.

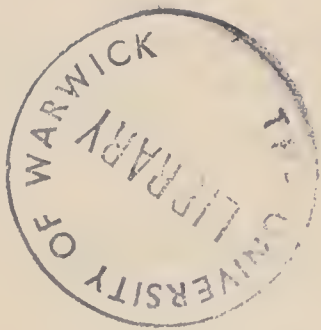
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WARWICK:

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[ *To those Individuals who have favoured the Printer with their Names as Subscribers to this REPORT he returns his most respectful Thanks.*]

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AN  
INQUIRY  
INTO

*The existing State of Warwick Corporation.*

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IN the parliamentary Session of 1833, a Commission was appointed by his Majesty to inquire into the existing State of all the Municipal Corporations in England and Wales. In their instructions, the Commissioners were requested to make a return to Government of the result of their inquiries.

Messrs. WHITCOMBE and COCKBURN, Barristers, were the Commissioners appointed to investigate the state of the Corporations in the North Midland District; and the first official information of the arrival of those gentlemen in the Borough of Warwick, was communicated to the inhabitants by THOMAS COLLINS, Esq. Mayor, in a hand-bill, of which the following is a copy:—

“ **THE CORPORATION.**—The Mayor of Warwick having received a circular communication from two of His Majesty’s Commissioners appointed to inquire into the existing state of the Corporations of England and Wales, which is of general importance to the interests of the Burgesses and inhabitants of this Borough, deems it right to publish the contents, and to request all persons who can give information in furtherance of the inquiry to attend before his Majesty’s Commissioners.—High-street, Oct. 7th, 1833.”

The circular to which Mr. COLLINS alluded is given below. This document is important, as it clearly points out the various objects of inquiry to which the attention of the Commissioners was to be more particularly directed.

“ **CIRCULAR.**

Coventry, 5th Oct. 1833.

To the Mayor of Warwick—Sir, His Majesty having been pleased to issue a Commission to inquire as to the existing state of the several Municipal Corporations in England and Wales, we, being two of the Commissioners, have to inform you, that we propose to be at Warwick on Wednesday the 9th instant, and we request you to be prepared with whatever information you can supply on the following points:—

1. The local limits of the Corporation.
2. The Charters by which it is constituted.
3. The title of the Corporation, a copy of the Governing Charter, and the date of all other Charters.
4. The several Officers of the Corporation, how and by whom elected or removed; the time for which they hold their respective offices; their respective Functions and Privileges, and their Salaries and incidental Emoluments.
5. The mode by which persons become free; their Duties, Privileges and Emoluments; the number of Resident and Nonresident Freemen.



6. By whom, and from whom, the Ruling Body of the Corporation is elected.

7. Fees paid on Admission to the Freedom, or any Office in the Corporation, and to whom paid.

8. Courts, Criminal and Civil; the Officers or Magistrates presiding or otherwise acting in them; the extent of their Jurisdiction, whether exclusive or otherwise; the nature of their Process; what Fees are paid in them, and to whom; and Tables of Costs.

9. The Juries, Grand and Petty, Criminal and Civil; by whom and from whom selected.

10. The management of the Local Police, and general regulation of the Town.

11. The superintendence of the Gaols, by whom exercised and under what control.

12. Fines imposed by the Corporation on their own Members or others.

13. The nature of the Property; the amount of Receipts of the Corporation, from whom derived, by whom received, to what purposes and by whom applied; how and to whom accounted for.

14. The Patronage, ecclesiastical and other, exercised by the Corporation, through whom dispensed.

15. A Schedule of the Dates and Titles of the Local Acts of Parliament relating to the Municipal Government or Local Taxation.

16. The general State and Prospects of the Town.

The Commissioners will be obliged to you to make the contents of this communication public.

We are, Sir,

Your obedient Servants,

R. WHITCOMBE,  
A. E. COCKBURN."

*THURSDAY, October 10th.*

The Learned Commissioners opened their Court on the Crown side of the County Hall, this day at two o'clock, and soon afterwards called the following witness.

**JAMES TIBBITS, Gent. Town Clerk,**

SWORN AND EXAMINED.

Q. Are you Town Clerk?—A. I am.

How long have you been so?—I was appointed on the 7th of May, 1827.

Whom did you succeed?—My father, Mr. William Tibbits.

What are the local limits of the Corporation?—The whole Borough of Warwick, comprising two parishes, Saint Mary and Saint Nicholas, as settled by the Reform Boundary Act, which left it as it found it.

How far does either of these parishes extend towards Leamington?—Saint Nicholas extends about a mile from the town.

How far from the furthest extremity of Saint Nicholas is the first end of Leamington?—About half a mile.

Then the boundary of Saint Nicholas extends about a mile beyond the bridge?—Yes.

Do the two parishes adjoin?—Yes.

What are the Charters?—There are five: the 37th of Henry VIII. dated the 15th of May, 1546. The 1st and 2d of Philip and Mary, dated the 12th of November, 1553. The 16th of Charles II. dated October 13th, 1665. The 35th of Charles II. dated December the 18th, 1684. The present Governing Charter of William and Mary, dated the 18th of March, 1694.

Are there any subsequent Charters?—No; there is a Confirmation of Queen Mary's Charter, dated the 15th of February, 1560; and Letters Patent dated 1613, in the 10th of James I.

[The Commissioners had previously been furnished with a copy of King Henry the 8th's, and of the Governing Charter.]



What is the title of the Corporation?—Mayor, Aldermen, and Burgesses of the Borough of Warwick, under the Charter of the 16th of Charles II.; which title has been continued by the subsequent Charters. The Charter of Henry VIII. is granted to the Burgesses generally, and under that of Philip and Mary, the designation is Bailiff and Burgesses.

What are the component parts of the Corporation?—Mayor, twelve Aldermen, and twelve Assistant Burgesses.

How is the Mayor appointed?—He is appointed annually. The Mayor issues a summons to the Aldermen and Assistant Burgesses to attend at the Shire-Hall, on the feast of Saint Michael. The Aldermen and the Mayor then nominate two of their own body, and one of those two is then chosen by the Burgesses and Inhabitants of the Borough.

On the day of nomination, are all the Burgesses present?—If they choose they may be. The day of nomination is fixed by the Charter, and known to every inhabitant.

Is he appointed by a shew of hands?—Generally.

Has there ever, in living memory, been a poll demanded?—I believe not.

Do the Burgesses generally attend?—Of late years the Burgesses have attended. The Court was full at the late election.

When did the inhabitants begin to assemble in numbers?—They began to assemble in larger numbers about 1825, or 1826.

Is there any circumstance which accounts for it?—There had been a mandamus against the then Mayor, and since that time the number has increased.

Do you know of any Mayor serving for seven years?—I believe one Mayor did so?

When was the mandamus issued?—I think, in 1824, or 1825. I believe at that time the same gentleman was serving his third year.

What was the mandamus for?—It was to displace the then Mayor, and elect another.

How did it happen that no election took place?—There was no meeting at the Shire-Hall on the Charter-day.

Were the usual summonses issued?—I cannot say.

What was the name of the gentleman who served seven years?—John Bohun Smyth.

Who was Mayor when the mandamus was issued?—John Wilmshurst.

Since the attention of the inhabitants was called into question by that mandamus, have they been in the habit of attending?—Yes, regularly.

Since that time has any Mayor served two years?—No.

Did a gentleman of the name of Mr. Wade serve seven years?—I do not recollect.

Since the inhabitants have been in the habit of attending at the election of Mayor, has it been usual for them to elect the senior of the two Aldermen put in nomination?—That has been uniformly done until the last two years, with one exception only. Mr. Edwards, the senior Alderman of the Corporation, was put in nomination two or three years ago, with Mr. Jones, the then junior, and Mr. Jones was chosen.

Has it been the custom to put in nomination an Alderman who has not served the office, and one who has served the office?—It has been done. It was not so in 1827, 1828, and 1829; but in 1830 the senior Alderman was put in nomination with Mr. Jones.

When was the Corporation filled up?—About the time of the mandamus it was filled up by Mr. Tibbits, Mr. Burbury, Mr. Ward, and Mr. Jones. On the following Charter-day Mr. Tibbits and Mr. Burbury were put in nomination, and Mr. Tibbits was chosen. The next year, Mr. Burbury and Mr. Ward, and Mr. Burbury was chosen. The next year, Mr. Ward and Mr. Jones, and Mr. Ward was chosen.

At that time, was Mr. Jones the only Alderman who had not served the office?—He was the junior Alderman at that time, and Mr. Edwards, the senior Alderman, was put in nomination with him, in 1830.

Who were appointed Aldermen in 1831?—Mr. Dodd, Mr. Robert Tibbits, Mr. Morris, Mr. Mallory, and Mr. Phillips. In that year, Mr. Robert Tibbits and Mr. Dodd were put in nomination, and Mr. Dodd was elected. In 1832, Mr. Robert Tibbits, and Mr. Collins the senior Alderman, were put in nomination, and Mr. Collins was elected.

Then, instead of Mr. R. Tibbits, the senior Alderman was elected?—Yes.



Who were the gentlemen at that time who had not served the office?—Mr. Morris, Mr. Mallory, Mr. Phillips, and Mr. Henry Smyth.

According to the course pursued since the mandamus, would Mr. R. Tibbits, and Mr. Morris, have been put in nomination, instead of Mr. Tibbits, and Mr. Collins, the present Mayor?—Yes.

Can you account for that difference?—No, Mr. Collins had served the office in 1808 or 1809, and Mr. R. Tibbits was the new Alderman, and senior of those newly appointed.

Do you know whether it was understood generally in the town, that Mr. Collins had expressed an intention never to serve the office of Mayor again?—I never heard it.

Is the Mayor elected by a shew of hands, without going to a poll?—Yes.

Is there any method taken to ascertain whether the persons present are really Burgesses?—No, it is the same as at an election of a Member of Parliament.

Do you, as Town Clerk, analyse those votes whom you only know as voters?—I can tell who is elected, by the shew of hands and the feeling exhibited. Before I declared the last election of Mayor, I asked Mr. Robert Tibbits if he demanded a poll, and he said he did not.

Are any of the members of the Corporation your relatives?—My father is in the Corporation, and Mr. Robert Tibbits is my brother.

Is the Mayor removeable by the Charter for misbehaviour?—I apprehend he can be removed for a breach of duty, by an application to the Court of King's Bench.

Does the Charter require him to be resident?—Yes.

Have you ever known an instance of nonresidence?—I have not. Mr. Edwards was Mayor, but I cannot say whether he was resident or not in 1807.

Was the Reverend Mr. Cattell Mayor?—Yes.

Where did he reside?—Partly at Berkeswell, and partly in Warwick.

Is he in the Corporation now?—No. He was elected in 1823, and served the office only for one year.

When did he come to Warwick?—He generally comes on a Friday and returns the following day.

Can you say why he comes on that day?—No.

[Dr. LUARD—Mr. Cattell resides here in the winter.

Mr. T. COLLINS—He generally comes in the hunting season.]

The examination of Mr. TIBBITS was then resumed by the Court.

Q. How long has he ceased to be in the Corporation?—

A. He resigned in February, 1831.

Was he in holy orders when he was elected an Alderman?—Yes, he was Rector of Berkeswell.

How are the Aldermen elected?—They are appointed at a Council of the Mayor and Aldermen, as vacancies occur?

Are the Assistant Burgesses present?—No; the Assistant Burgesses only attend at the nomination of Mayor, but do not nominate.

Do they do any thing more than the other inhabitants of the town?—No, they join in procession with the Mayor and Aldermen from the Court House to the Shire Hall.

From what body are the Aldermen selected?—From the Inhabitant Burgesses.

Is any qualification necessary?—None, but inhabitancy.

Do you recollect the words of the Charter?—It directs them to be chosen of the more discreet and honest men of the Borough, to the number of thirteen.

Mr. TIBBITS then read the following clause, from a copy of the Charter:—

“ And we further will, and by these presents for ourselves, our heirs, and successors, grant to the aforesaid Mayor, Aldermen, and Burgesses, of the Borough aforesaid, and to their successors, that for the future for ever, there shall be in the Borough aforesaid, one or more honest and discreet men of that Borough, who shall be from time to time named, chosen, and constituted, out of the Aldermen of the aforesaid Borough for the time being, in manner hereafter in these presents specified, who shall be named, or who shall be called Mayor of that Borough, and he shall carry a white staff

within the Borough aforesaid; and that there shall be likewise for ever within the same Borough, Thirteen of the more honest and discreet men of the same Borough, to be from time to time, nominated elected and chosen, in manner hereinafter in these presents mentioned, who shall be called Aldermen of that Borough."

The examination of Mr. TIBBITS proceeded.

Q. How many Aldermen are there?—A. Twelve, and a Mayor.

Are they appointed for life?—Yes, unless for any lawful cause removed.

What are those lawful causes?—Neglect of duty and non-residence.

Is the only thing requisite to qualify a man, that he should be an inhabitant and resident in the Borough?—Yes, for three years.

Did you ever know an Alderman who was a nonresident?—Mr. Edwards resided within the parish of Budbrook, a mile from the Borough. Sir Charles Greville, and Mr. Weston, the banker, were nonresidents.

How long was Sir Charles Greville a nonresident?—He was elected an Alderman on the 31st of October, 1822.

When did he cease to be so?—About the year 1827.

When was Mr. Edwards residing at Budbrook?—I believe at the time of his election he was a resident of the Borough.

What was Mr. Weston?—He was a banker of the firm of Whitehead, Weston, Greenway, Lowe, and Company, and resided at Warwick, I believe, when he was elected, but afterwards resided at Stratford.

Are there the full number of Aldermen now?—Yes.

How long has the number been completed?—I think, since the time of the mandamus.

How many were there at the time of the mandamus?—Eleven.

What was the mandamus for?—It was to remove the then Mayor, and elect a new one. There were other proceedings taken, in consequence of which the number was filled up.

Has the number ever been so low as six?—Not within my recollection.



How few have you ever known?—It appears, by the book of appointments, that there were—

In 1799, twelve,	In 1809, thirteen,	In 1819, eleven,
1800, thirteen,	1810, thirteen,	1820, ten,
1801, twelve,	1811, thirteen,	1821, ten,
1802, thirteen,	1812, twelve,	1822, ten,
1803, twelve,	1813, eleven,	1823, thirteen,
1804, twelve,	1814, ten,	1824, thirteen,
1805, thirteen,	1815, ten,	1825, thirteen,
1806, thirteen,	1816, ten,	1826, eleven,
1807, thirteen,	1817, ten,	1827, eleven;
1808, thirteen,	1818, ten,	

At the time of the mandamus there were eleven Aldermen.

Are there any clerical Aldermen at present?—No.

Have you ever known any besides Mr. Cattell?—No, Mr. Childe was elected, but did not qualify.

Is Mr. Childe a beneficed Clergyman?—No, he is Chaplain at the Gaol.

Is that his only clerical post?—Yes.

What are the duties of the Aldermen?—Except those who are Magistrates, I cannot state there are any particular functions attached to their office. The three senior Aldermen are Magistrates.

Have they any privileges or salaries?—None.

What is the Mayor's salary?—£150 per annum.

How is that decreed?—By the Court of Chancery.

From what does it arise?—Out of estates granted by King Henry the 8th's Charter.

What is the date of the decree?—I think it was confirmed by the Master, on petition of the Stipendiary, about the 22d of January, 1818.

By whom are the Assistant Burgesses elected?—By the Mayor and Aldermen.

In the same way as the Aldermen?—Yes, out of the Burgesses at large.

Has their number always been filled up?—Yes, it is twelve.

Has the number of Assistant Burgesses been always complete?—It has.

What are their duties?—They walk in procession, on the

day appointed by the Charter for the election of Mayor, but do not take any part in the proceedings, other than what is exercised by the Burgesses at large.

By what title are they called by the Charter?—They are designated by the Charter as the Common Council.

Has it been used as a stepping stone to elect them as Aldermen?—Not, necessarily. There were no Assistant Burgesses until recently.

When were they appointed?—They were appointed at the time of the mandamus for the removal of the then Mayor.

How long had it been before the period of that mandamus since there had been any Assistant Burgesses?—Not within the memory of man.

Since the number was filled up, have the Aldermen been always elected out of that body?—No, not always. I think there has been one exception.

When the Corporation assemble to transact Corporative business, do the Assistant Burgesses attend?—No, they are not summoned.

Are they ever called upon except at the election of Mayor?—No, I never knew them.

Do they take the oath required by the Charter?—They do.

What is it?—To perform the duties belonging to their office.

The COURT—It appears they amount to nothing.

Have you found any thing in the Charters respecting their duties?—I have not looked attentively.

Have they any emoluments or privileges?—None.

Are there any freemen of the Borough?—No.

Are the inhabitants Burgesses?—Yes, inhabitancy and paying scot and lot make a man a Burgess.

Was that the right of voting before the Reform Act?—Yes, and the reserved right under it.

Then are persons who have a right to vote in the election of a Mayor, and Members of Parliament, identical?—Yes.

Are any fees paid on the appointments?—On the election of Mayor there is a fee of one guinea, besides half a guinea for qualification at Sessions, and half a guinea for administering the oaths of office. The appointment of an Alderman is a guinea, and a Burgess 13s. 4d. or 13s. 6d. with a stamp of £3 on each, and the qualification and oaths the same as the Mayor.

To whom are they paid?—To myself.

Are those all the fees payable by Mayor, Aldermen, or Assistant Burgesses?—Yes.

Who are the Officers of the Corporation?—The Recorder, appointed by the Mayor and Aldermen.

For what time?—For life, unless lawfully removed.

Who is the present Recorder?—The Right Hon. Henry Richard Earl Brooke and Earl of Warwick.

Who was the last Recorder?—I believe the late Earl.

Who was the one before him?—I believe the office has always been in the Warwick family. The first Recorder nominated by the Governing Charter was from the family of Lord Warwick.

Is he directed by the Charter to be skilled in the laws?—No.

What are his duties?—He is a Justice of the Peace, and a Judge of the Court of Record.

Do you hold Sessions here?—Yes, quarterly.

Does he attend?—Never.

Does he preside at the Court of Record?—No.

Are there any emoluments or privileges?—None.

Who is the next Officer?—The Deputy Recorder.

Is he a Chartered Officer?—Yes, to be appointed by the Recorder during pleasure.

What is required in the Charter as to his qualification?—The Charter is silent as to his qualification.

Who is the present Deputy Recorder?—Henry Hugh Holbech, Esquire, Barrister.

What are his duties?—He is a Judge of the Court of Record.

Does he attend or preside at the Sessions?—Never.

Has he any emoluments?—No.

Who is the next Officer?—The Town Clerk, appointed by the Recorder during pleasure.

Is he required to be skilled in the laws?—Yes.

What are his duties?—Principally to attend the Sessions, prepare indictments, &c.

Are you the Solicitor of the Corporation?—No.

Who charges the Jury, and examines witnesses?—The Mayor.

If any point of law arises during the Sessions, is it your duty to instruct the Magistrates?—Yes.



How long have you been on the Roll of Attornies?—Since the 7th May, 1827, the day I was appointed Town Clerk.

Was that upon the resignation of your father?—It was; I had previously officiated as Town Clerk for a year or two.

Is your father the Recorder's private Solieitor?—No.

Was he his Warwickshire Solicitor?—Yes.

Are you so now, or your father?—No.

Who was Town Clerk before you?—My father. I believe my brother was Town Clerk for a few months. My father was elected Alderman, and I was unanimously recommended to Lord Warwick, by the Corporation, as a fit and proper person to succeed him in the office of Town Clerk; and as I was not at that time an admitted attorney, my brother held the appointment, *pro tempore*.

Are those the only offices you have to perform?—I also preside at the Court of Record, and affix the Corporation seal.

Do you act as Solicitor to the Corporation?—I am now transacting legal business for the Corporation.

Are you, as far as their corporate conduct is concerned, their Solicitor?—I am, and Mr. Greenway is their conveying Attorney. There have been disputes, as to which of us should conduct the business, and I made a claim to the Mayor, but it was rejected.

When was a Solieitor first appointed?—I believe, the late Lord Warwick, some time ago, threatened proceedings against the Corporation, and then it was the offices were disunited.

Are the minutes of any Council preserved in any journal?—No, they are made on a piece of paper at the time, but afterwards destroyed.

Were there any proceedings taken against the Town Clerk in 1826?—None. I think a notice was served upon the Mayor not to swear my father into office, and also upon the Recorder not to appoint me, as I was not an admitted Attorney.

Is any fee paid to the Corporation on the appointment of Town Clerk or Recorder?—None.

What authority have you to preside at the Court of Record?—By the Charter, which authorises the Mayor, the Recorder, the Deputy Recorder, the Town Clerk, or Deputy Town Clerk.

Would your father, but for this notice, have continued the Town Clerkship, as well as Alderman?—No, my father had no intention of continuing in the office of Town Clerk, had he not been appointed Alderman.

Did your father write to Lord Warwick after the appointment, to notify his intentions of having no objection to accept the office of Alderman, provided you was appointed Town Clerk?—Yes.

Were you twice appointed Town Clerk?—No, my brother held the office until the 7th of May, 1827.

Is there any book kept shewing the discussion which takes place on an appointment?—No, but the appointment is signed by the Aldermen who attend the Council.

Is it enough, that the Aldermen present can carry an appointment?—There must be seven present to constitute a meeting, and the majority of the seven makes a good election.

Must the Mayor necessarily be one?—I think, not of necessity.

What are the emoluments of the office?—Including the £25 stipend under the decree, from £150 to £200 per annum.

Of what do those emoluments consist?—Of Sessions and Court of Record Fees, of fees for affixing the Corporation seals. There is 10s. 6d. of that given to the Mayor, and 21s. I take; out of which I give the Serjeant at Mace and Beadle 3s 6d.. I also receive the Publicans' License Fees annually, and fees as Clerk of the Petty Sessions.

How often is it that the fees of sealing occur?—For the last seven years they average four seals a year. The writs in the Court of Record average in number, thirteen a year for the last seven years, and I receive a fee of 6s. 8d. on each.

In this £150, or £200, are you including your bills for any professional business?—No, I have not transacted any. I am now instructed by the Corporation to defend a Petition presented by the Vicar for an increase of stipend.

Who defended the last?—Mr. Greenway.

Did the former Town Clerk do any professional business for the Corporation?—None, his emoluments never exceeded £100 per annum.

In elections, who is employed by the Mayor?—The Town Clerk.

Is there any Deputy Town Clerk?—No.

Who is the next Officer?—The Receiver.

What are his duties?—To receive the rents of the Corporation Estates, and account for them, when he is required.

Does he receive the rents of charity and other estates?—By the appointment he receives the rents of King Henry the 8th's, and the money, when the bonds fall due, under Sir Thomas White's Charities.

Do they hold those estates as Trustees?—Yes.

Have they any property that they do not hold in trust?—They have none but what they hold under some particular charity as Trustees.

Who is the present Receiver?—Mr. George Cattell Greenway.

By whom is he appointed?—By the Mayor and Corporation.

Is he a Chartered Officer?—No.

Do they appoint him during pleasure?—Yes.

Does he give any security?—Yes, he has given a bond with two sureties in £10,000.

How long has that bond been given?—It was given last month, September.

What was the security previously?—I believe, before that time he had given no security.

Do you know how that came to be called for?—I do not.

How long has he been Receiver?—He was appointed on the 18th of May, 1825, and succeeded his brother Mr. Kelynge Greenway.

Is he an Alderman?—No.

Did his brother resign on being appointed an Alderman?—Yes.

Has he given any security?—Yes, a bond in a penalty of £6000.

In whose hands is the bond lately given?—It is in my office.

At whose instance did you prepare the bond?—I received instructions from Mr. G. C. Greenway.



Is it a part of the conditions of the appointment?—Yes.

And has not been complied with until last month?—No.

Did you ascertain of the Mayor and Aldermen if they were satisfied with the security given?—No.

Does the Mayor know of it?—I do not know.

Is it then merely at the instance of Mr. Greenway that you prepared the bond?—Yes.

Is it executed?—Yes.

How do you know the Corporation will be satisfied with it?—I entertain no doubt on the subject.

When did you mention it?—I mentioned it at a Council, in conversation with Mr. Greenway, in April, 1832. I said, I thought it my duty to do so, as their legal adviser.

Was the present Mayor in attendance?—I believe he was, and most of the Aldermen.

Do you know whether the present Mayor mentioned it, within the last month, to Mr. Greenway?—I do not.

Is Mr. Greenway a man well off in the world, and of wealthy connections?—Yes.

What emoluments does he receive?—£50 per annum from Henry the 8th's Charity, and sixpence in the pound for getting in Sir Thomas White's Charity.

Is that in the Decree?—It is not.

Is that an allowance from the Corporation?—I believe it is, as Trustees.

What interest does he pay for balance in his hands?—I think  $3\frac{1}{2}$  per cent. for any sum above £1,500, but under that no interest.

Does the Receiver act also as Treasurer?—He is appointed as both.

Is Mr. George Greenway a banker?—He is not; Mr. Kelynge Greenway is the banker.

Who is the next Officer?—The Serjeant at Mace.

By whom is he appointed?—By the Mayor and Corporation.

What is his duty?—To serve the processes of the Borough Court, to summon Juries at the Quarter Sessions, and to attend the Corporation at their meetings.

What emoluments has he?—He has a fixed salary of £20 a year under the Decree.

Has he any fee under the process?—Yes, he has 21s. for a caption, and 1s. 6d. on every serviceable process issued.

Has he any other fixed salary besides the £20 per annum?—None.

Who is the next Officer?—The Yeoman Serjeant, who assists in the same duties, and is appointed in the same way as the Serjeant at Mace.

What is his fixed salary?—£15 per annum, under the Decree.

Who is the next Officer?—The Beadle, appointed in the same way.

What are his duties?—To clean the Court House and wait on the Mayor and Corporation, and the Borough Magistrates at their Petty Sessions.

What is his salary?—He receives £10 10s. under the Decree, and £5 for attending the Petty Sessions.

Are there any other Officers?—No.

Have you any Criminal Courts?—None, but the Quarter Sessions.

Who are the Justices of the Sessions?—The Mayor, the quondam Mayor, and the three senior Aldermen.

Is the present Mayor one of the senior Aldermen?—He is.

What is the effect of Mr. Collins being Mayor?—It reduces the Magistracy by one.

How many Magistrates are there?—Four.

Do you officiate as Clerk of the Peace at the Sessions?—Yes.

Do you tax the bills for prosecutions?—Yes.

Is the Recorder a Magistrate?—Yes.

Is the Deputy Recorder?—No.

Are there any other Officers of the Court of Quarter Sessions besides yourself?—None, except the Serjeant at Mace and Yeoman Serjeant, who act as Criers of the Court, and the Beadle who keeps the Grand Jury Room.

Have you any partner in business?—No.

Do you conduct any prosecutions at the Sessions?—Never.

Have you any Clerk who does?—No.

Do you adopt the same scale of fees, as far as you can, as those used at the County Sessions?—Precisely.

Do you know, before Mr. Holbech's time, whether it was ever before given to a Barrister?—I do not recollect.

Did Mr. Holbech attend as a practising Barrister at the Sessions?—Yes.

Is he now Chairman of the Sessions?—Yes.

Do Barristers attend the Borough Sessions?—Yes.

Who presides?—The Mayor, assisted by Mr. Greenway.

Have the County Magistrates a concurrent jurisdiction?—No, except under a recent Act of Parliament for regulating the binding of parish apprentices. They hold their Petty Sessions in the Borough, but do not take cognizance of matters arising within it.

You preside alone in the Court of Record?—Yes.

What is the title?—The Court of Record of the Mayor and Recorder of the Borough of Warwick.

Have you here any of the processes of the Court?—Yes.

To what amount can you recover?—To any amount not exceeding £40.

Have you any jurisdiction in actions of tort?—Yes, and in all other actions where the debt or damages sought to be recovered do not exceed £40.

To whom is a serviceable process directed?—To the Serjeant at Mace, Yeoman, and Beadle, and a bailable process to the Serjeant at Mace, Yeoman, and Gaoler.

When a writ is directed to the Serjeant at Mace, Yeoman, and Beadle, to whom do they make out their warrant?—No warrant is used, they act upon the writ; and when executed, indorse it, and it is filed with the proceedings.

Do they execute it themselves?—Yes, they have no bailiffs under them.

Do they introduce the name of any bailiff in the writ?—I can at the request of the Plaintiff.

The writ is a mixture of a writ and a warrant?—Yes.

Are writs of execution directed in the same way?—They are directed to the Serjeant at Mace, Yeoman, and Gaoler, and *To A. B. and Others*, at the peril of the Plaintiff.

Into whose hands do you put it?—I put it into the hands of the Serjeant at Mace, who is the responsible officer.

Who makes the return?—The Serjeant at Mace makes the return to every process.



What fee does the Serjeant at Mace have?—A guinea for a caption, and he has a fee upon every serviceable capias, whether he executes it or not.

What Charter is it which appoints the Court of Record?—The 5th of William and Mary, the Governing Charter.

Is this Court held every week?—It is directed to be held on Wednesday in every week, except Whitsun, Easter, and Christmas weeks, but it is only opened when there is business.

Is the Mayor present?—No, I preside.

Have you any Complaints entered?—Yes; and the average number of capias issued, for the last seven years, is thirteen.

Does the Mayor leave the business to the Town Clerk, as presiding Deputy?—Yes.

If a case were to come before you, should you sum up the evidence to the Jury, and exercise all the functions of a Judge?—Yes.

Do you proceed, with respect to the pleading, the same as superior Courts?—Yes.

Do you adopt the practice of the superior Courts?—Yes, but I have not at present adopted the new practice.

If pleadings were to be brought to you in the form of the new rules, should you file them?—Yes, and if wrong, I take it for granted the Attorney on the other side would take advantage of it.

Has it ever been done?—I believe, in one suit, in which Mr. George Tibbits was the Plaintiff's attorney, the declaration was prepared agreeably to the form prescribed by the new rules. There is a similar Court at Banbury, where the practice has been settled by the Deputy Recorder, Mr. Serjeant Talford, and I have applied for a copy of his work, and a table of the fees, which have been promised me.

Are you the Taxing-officer of the Court?—I am.

Does the table of fees of Mr. Serjeant Talford differ much from your own?—I do not know, I have not yet received it.

Have you a table of fees?—I have not, I take for my guidance those of the superior Courts.

[Mr. TIBBITS here handed to the Commissioners a bill of costs, which he stated he had taxed in a cause recently tried;

also a list of the number of causes tried in the Court from 1823 to 1827, as returned by him to the Common Law Commissioners.]

Do you ever practise yourself in this Court as an Attorney?  
—Never.

Can you state what the average of the sums sued for is?  
—I think I have been called upon by Government to make such a return, and I believe I have a copy of it.

[A copy was handed by Mr. TIBBITS to the Commissioners.]

Must the cause of action arise in the Borough?—The whole or part of it. If a writ is sued out by a Plaintiff against a Defendant who does not reside in the Borough, it may be executed, if the Defendant can be arrested in the Borough, provided the cause of action arise within the Borough.

How are your Juries selected?—I issue a precept to the Serjeant at Mace, who selects them from the respectable tradesmen of the town, both in civil and criminal cases.

By what rule are they made?—The Serjeant at Mace brings a list of about eighteen persons, and I insert the names of about twelve in the precept. If I find in his list the name of a person who is at the time filling any office, or whom I consider ineligible, I strike him out of it.

Does he bring a different list every time?—He brings such a list as he thinks proper, and if I approve of it, I adopt it.

Is the selection of the original list entirely at his own discretion?—Yes.

Has he any books containing the names of persons in the town competent to serve on the Jury?—I believe he does not keep a book for that purpose, but there are now books and registers to which he might refer.

Does the Grand Jury consist of members of the Corporation?—Never.

Suppose, out of the twelve you summon, six are objected to, how do you make up the number?—I never knew it so



happen, but if such were to be the case, by sending out I should have little difficulty in finding others; if not to be met with, I should adjourn. I seldom have more than twelve summoned on a Petty Jury, and sixteen or eighteen on the Grand Jury.

Are the persons you summon on the Grand Jury a different class from the Petty?—They are both of the respectable tradesmen of the town.

Have you a return of the instances in which Defendants have been taken in execution in the Borough Court?—Yes, I believe I have.

[Mr. TIBBITS delivered copies of returns made by him to the Common Law Commissioners.]

What Local Police have you?—The town is divided into eight Wards; and we have a Court Leet, in October, at which Constables are appointed for each Ward. One for the High-street Ward, one for the Jury-street, one for the Castle-street, two for the Market-place, one for the West-street, one for the Saltisford, two for the Smith-street, and one for the Bridge-end Ward.

Can the Constables of one Ward act in another?—Yes, they are sworn to act for the whole Borough, but more especially for their respective Wards.

How is the Court Leet constituted?—I find it first granted to this Borough in the Charter of Philip and Mary.

Before whom held?—Before me, as Steward.

Who nominate the Constables?—The Leet Jury. The Lords of the Leet are the Mayor, Aldermen, and Burgesses.

By whom is the Jury appointed?—I issue a precept to the Serjeant at Mace. A list is usually submitted to the Mayor, who selects those whom he thinks proper, and generally accompanies the summons with an invitation to dinner.

Does the Leet Jury consist of the same persons?—For a great number of years I think it did.

What is the case now?—They have been changed for the last year or two. The last year they consisted of professional gentlemen, and the higher class of tradesmen.

How many are summoned?—Not more than twelve.

Have you any Night-watch?—Yes, under the superintendence of a Committee of the gentlemen of the town.

Have you any Police Officer?—Yes, one appointed by the Corporation, with a stipend of £100 per annum.

How long has that been adopted?—Four or five years.

Has he any thing to do with the Night-watch?—He has generally been requested by the Magistrates and the gentlemen of the Committee, to superintend it.

Have you any more Police Officers?—The Constables of some of the Wards have Thirdboroughs to assist them. I believe, at present there is no Night-watch.

How has it been supported?—By subscription.

Have you a City Gaol?—No, the Magistrates commit to the County Gaol.

Had the Corporation used to pay the Night-watch?—I believe they did subscribe from £50 to £100 out of their funds. There has been an application this year, but their funds would not admit of a donation. I believe it was discontinued in December, 1831.

Do you commit persons under an execution for debt to the County Gaol also?—Yes.

Do you commit prisoners there for hard labour?—Yes.

Have the Borough Magistrates a right of visiting the County Gaol?—I believe not; the County Gaol and House of Correction are under the control of County Magistrates, who visit them periodically.

What are the fines the Corporation impose upon their own members?—For non-acceptance of the office of Mayor £20; Alderman £10; Assistant Burgess £5.

Are these by the Charter?—They are.

Are there any other fines?—No,

The Court adjourned at five o'clock.

N. B. The election in pursuance of the Mandamus, took place on the 11th of December, 1826, on which occasion Mr. Greenway and Mr. Cattell were put in nomination, and Mr. Greenway was elected.



*FRIDAY, October 11th.*

The Commissioners opened the Court this morning soon after ten.

The examination of Mr. JAMES TIBBITS resumed.

Q. Did you say, yesterday, you were not aware, of your own knowledge, whether the Mayor, or any of the Corporation, had been apprised of the execution of the Bond by Mr. Greenway?—A. I believe they have not; I have frequently heard them mention the necessity of having a Bond, but I have not lately done so myself.

Have they mentioned the amount of the penalty?—The amount of the penalty, under the Order of the Court of Chancery, is £1,200.

Does it mention, that the Bond shall be in proportion to the amount received, or a fixed sum?—I believe a fixed sum. The revenues have been under the direction and control of the Court of Chancery, and Orders have from time to time been made. By Order of that Court, dated 31st of October, 1739, it was directed, that on a Receiver being appointed by the Corporation, he should be bound to the Mayor, senior Alderman, and Vicar of St. Mary's, for the time being, with two or more sureties, in £1,200 penalty.

Who estimated the proper amount of the penalty to be inserted in this Bond?—I found in the former bond, that the penalty was £6,000, and I asked the present Receiver if £10,000 would be too much, and he made no objection to it.

Do you know whether the Corporation approve of the sureties?—I felt convinced they could not disapprove. They have named, from time to time, the necessity of having a bond, but never made an Order of Council. The sureties are Mr. Kelynge Greenway and the Rev. Mr. Cattell.

Are they in the Corporation?—Mr. Greenway is, but not Mr. Cattell.

Are they relations of the Receiver?—Mr. K. Greenway is his brother, and Mr. Cattell is distantly related.

Has there been a Council called since the Bond was executed?—Only the one for the election of Mayor, which

dissolved immediately after the election, and no other business was introduced.

In whose custody will the Bond be?—It will be put into the Corporation chest, with the Corporation seal, under five keys.

Who has the keys?—The Mayor has one, and I have the other four.

Can you give an account of the Property of the Corporation?

[Mr. TIBBITS handed up a copy of the Rental of King Henry the 8th's Estates, by which it appeared there was a balance of £690 4s. 2d. due to the Corporation.]

Is this account the same as the one delivered to us by Mr. Greenway?—No. The property was fully inquired into some years ago, by the Commissioners of Charities, and I have here a copy of their Report.

Down to what year?—The date of their Report is in 1829 or 1830.

When were the Commissioners here?—I think in 1826, or 1827. They reported the State of the Accounts for the years 1823, 1824, 1825, 1826, up to 1827.

Does it appear there, what rate of interest the Receiver charged for his advances?—I believe he charges 5 per cent.

Why does he charge the Corporation £5 in his own list?—I do not know what rate of interest he charges the Corporation.

By whom are the Accounts audited?—They are audited annually, by two County Magistrates.

Does that list, under the head of King Henry the 8th's Charity, comprise all the real property of the Corporation?—I believe it does.

Do you know of any other lands they possess?—I do not.

Have they any personal property?—Sir Thomas White's, I know of no other.

Have they any government stock?—None.

Are there any mortgages?—None.

Are there any mortgages granted by them?—None, that I know of.

Have they any lands?—I believe not.

Have they any debt?—None, except the current bills of the year. I think a sum was borrowed some time since upon the Market Rents.

What is the amount of these rates?—I think it is about £150. The Mayor is enabled to tell you more of them.

Who collects them?—The Corporation Servants, who pay them over to the Mayor. They have a debtor and creditor account, and after paying the interest on the debt, and other deductions, deliver it to the Mayor.

Do you know the amount of the debt?—I do not.

Do you know what it was contracted for?—I believe about £150 was paid to Mr. Bate, of London, for the Standard Models of Weights and Measures, under the late Act of Parliament.

What is paid out of the Market Rates?—I cannot exactly say.

Is the Court House the property of the Corporation?—Yes.

Do the Mayor and Aldermen generally meet at the Court House?—Yes, they are only directed to meet in the Shire Hall for the purpose of nominating the Mayor.

Is the Court House erected from part of the property invested in them under the Charter of Henry the 8th?—I do not know.

Have they any other property in their own hands?—I know of none.

What are the Market Rents payable for?—For Stallage.

Is it the only toll they have?—It is.

Is it collected all over the town?—No, only in the Market Place, and in the Market House.

Have you any ancient table or schedule of these tolls?—I know of none.

Who collects them?—The Serjeant at Mace, the Yeoman, and the Beadle.

Do you know on what days the tolls are reserved?—The Receiver can tell you that.

Have you any Tolls at Fairs?—I believe not.

Does the Serjeant at Mace, or whoever collects them, rent them?—No, they pay them over, giving an account with them.



Does the Mayor trust entirely to them for paying over the amount received?—Certainly. The Grand Jury are sworn as the Clerks of the Market.

What do they do?—I believe, they go round occasionally on a Saturday, and are a cheque upon the servants of the Corporation.

In what way?—They may go round with them if they choose. There are Officers appointed to see that short weights are not used in the market, and Fish and Flesh Tasters.

Is it part of their duty to collect the Rates?—No, it is a part of the oath of the Mayor to keep that account properly.

Do they trust only to the honesty of the servants?—Yes, and I conceive, if an act of embezzlement could be made out against them they would be amenable to the laws.

Do the Grand Jury occasionally go round?—Yes.

What do they do?—They present nuisances in the streets, or drunkenness in public houses on a Sunday.

I am told that the Market House, which is now used for stalls, was formerly used for pitching corn, is it so?—Perhaps the gentleman who told you so, can furnish you with more information upon that subject than I can; I know nothing of it.

Are these the only Tolls?—I know of no other.

Is it a Toll for Stallage, and not for persons who stand in the market?—I believe it is for every person who brings any thing for sale.

Are you aware if any one man has an exclusive right of erecting Sheep Pens?—I do not know.

Have the Corporation any other property excepting King Henry the 8th's Charity and these Tolls, which they can apply to incidental purposes?—No.

Are they now entering upon some litigation?—The Vicar is about to present a Petition for an Increase of Stipend, the in consequence of that the Corporation will enter an appearance to defend it.

What is his present Stipend?—£250.

And has he the Vicarage House?—Yes, and surplice fees.

What is the School Master's present Stipend?—£135.

Then the School Master's Stipend has increased upon the

Vicar's, beyond the original proportion; because, by the original Charter they were £20, and £10?—The School Master's was formerly £40, and the Vicar's £80. In 1777, the Vicar's was £135, and the Master's £75, and £30 for the Usher.

Who has passed the Receiver's accounts?—They have been annually audited by two County Magistrates, one chosen by the Vicar, and the other by the Receiver.

Are the whole of his accounts audited by the Magistrates?—I believe so.

Are the accounts, when audited, delivered to any parochial person?—To the Mayor and Churchwardens.

Is that ordered by the Decree?—Yes, I believe it is.

Do you know, whether, after the auditing of the accounts since the last Decree, the delivery of them to the parochial persons has been uniformly attended to?—I cannot say.

Will the Corporation consent to the reference to the Master?—It is merely to inquire into the state of their Funds, and I should think they cannot do otherwise.

Was the Petition delivered to you, for your perusal?—I received a letter from Messrs. Tennant, Harrison and Co. with a copy of the Petition, for perusal, on behalf of the Corporation.

Have you any authority to defend the Petition?—I have an authority signed by the present Mayor, to take the necessary steps.

Have you admitted, on behalf of the Corporation, the truth of the allegations of the Petition?—Certainly not; an Order was made at the Council, that an appearance should be entered.

Has this Petition been yet presented?—No, I have not heard from my Agents to whom I wrote to attend to it.

Will the Corporation oppose, before the Master, any increase of Stipend?—At present I cannot tell.

What surplus were you talking of?—I meant the surplus rents of King Henry the 8th's Charity.

Do you know the amount of it?—No.

Do the Corporation?—I do not think many of them do.

Have you seen the Account which has been handed in to me?—I have never examined it.



What was the date of the last Decree?—It was in 1818, the Petition was presented in 1816. The Order of the Master was confirmed by a Report, dated January, 1818. When the letter I received from the Vicar's Agents, in London, was read to the Corporation, it was ordered that the accounts should be laid before the Council, but one has not since been called.

What was the necessity of having an account set before the Corporation of the amount of the surplus, when upon the face of the Receiver's annual account, it appears?—I cannot tell.

Did you ever know the Receiver's annual account laid before the Council?—No.

Where are they produced from?—The Receiver, who produced them as Solicitor.

Do the Corporation keep this annual account?—No, the Receiver's books are kept at the Court House.

Do you know any thing of the mode in which these accounts are audited?—No, I do not attend.

Are they the same persons?—I cannot tell.

What Patronage have the Corporation?—They present to the Vicarage of Saint Nicholas, and to the Vicarage of Budbrook.

Do they present the Vicarage of Saint Mary?—No, the King has the right of presentation. The Vicarage of Chad-desley was given by the Charter of King Henry the 8th, to the Corporation, but in 1630 was surrendered to the Crown.

Who appoints the School Master?—The King.

What is the annual value of Saint Nicholas?—The stipend is £200, and the surplice fees, and these are all the emoluments.

Have the Corporation the Tithes of Saint Nicholas?—I believe there are none.

Who appoints the Assistant Minister?—The Vicar.

By whom is his Stipend paid?—By the Corporation.

Is there any other Patronage?—None.

Is there any School to which they send Children?—None.

Is the Free School open to all inhabitants?—Yes.

Does it require any appointment?—No.

Does it extend further than the town?—No.



Do you know what number of children attend this School now?—No, I do not; I believe several do.

Is there a Lectureship belonging to Saint Mary or Saint Nicholas?—I believe not.

Are you aware whether the Assistant Minister's appointment was in the power of the Corporation?—It was six or seven years ago, but is now in the Vicar.

How is it that they do not now?—Proceedings were taken against them by the Vicar.

Can all the inhabitants send children to this School without paying any thing?—I believe the School Master charges a fee of one guinea and a half.

Is that under the Decree?—No, it is customary, and appears to have been taken by former Masters.

Is it a matter of notoriety that he does take it?—I believe so.

Do you know of any other right except these customs?—I do not.

Are there any distinctions between children of Burgesses born in the town?—I think they must be born in the town.

Are you aware, as Town Clerk, that the nature of the education adopted there, the management of the School, and the description of boys received there, is not under the Decree, but under some particular Charter?—I do not know; by referring to the Commissioners' Reports you can obtain that information.

Is there a distinction under the Decree?—I am not aware; I believe the Decree directs Latin and Greek.

Is the School much used by the inhabitants?—I believe not.

Are there any Exhibitions?—Two.

Are they presented by the Corporation?—No, by the Trustees, under the will of Fulke Weale.

Do the Corporation apprentice any children?—I believe not, as a Corporation. I believe the surplus of King Henry the 8th's estates is applicable to it.

Are there any Charity Schools here?—Yes.

Have they any thing to do with them?—No, except in appointing the Master.

Do you know the nature of that situation?—I believe he receives £10 under Lady Greville's Charity. The School

formed part of the property granted under Henry the 8th's Charity.

Who is the present Master of the Grammar School?—The Reverend George Innes.

Has he been Master some time?—Yes.

Who is the Vicar of Saint Nicholas?—The Rev. Dr. Wade.

Is he connected with the Corporation?—No; his father was for many years.

Who is Vicar of Budbrook?—The Rev. John Kendall.

Was he ever connected with the Corporation?—Never.

Do you know how this Patronage is exercised by the Corporation?—I do not; there has been no appointment for the exercise of any Church Patronage since I was appointed.

Can you give us a schedule of the Local Acts relating to the town?—There are none.

Are there any Acts for paving, lighting, or watching?—None.

Have you any manufactories here?—Yes, there is one now for worsted spinning.

Is it a manufacturing town?—No.

Are there any large branches of trade carried on here?—No, none but the common shops.

How long has that factory been worked?—For many years.

How many hands are employed?—I cannot tell, it is not very large.

Did I understand you to say, you never conducted any prosecutions?—I never conducted any prosecutions at Sessions. I never act at the Sessions as a solicitor.

Does your brother?—Yes, my brother has prosecutions at Sessions.

Does he ever conduct any for you?—My brother, and other professional men have conducted them for my benefit.

Who has done the solicitor's work for you?—Many professional men.

Are you quite certain that it is not known to the Magistrates, when any case is before them, that you are substantially the Attorney?—They cannot know; they see the Attorney sitting by and instructing the Counsel.

Do you ever interfere?—Never.

Has it ever happened to you, in a case of that kind, that

you were consulted by the Magistrates upon any point of law, arising in them?—I cannot say whether it has or not; there has always been a much more experienced man on the bench than myself: I mean Mr. Greenway, or Mr. Burbury.

Is your father one of the Magistrates?—He is not one of the senior Aldermen.

[The COURT here observed, if any gentleman wished to put a question to Mr. TIBBITS, he could do so.]

By the COURT—Has Alderman Tibbits served the office of Mayor?—He has.

Were you Town Clerk at that time?—I was.

Is your brother an Alderman?—He is.

Has he been in the habit of prosecuting at the Sessions?—Yes. I have two brothers practising Attornies in the town.

Are they independent of one another?—Yes.

[Mr. COCKBURN—If Mr. Tibbits had had a great many more cases, and acted for them himself, he would not have been without a precedent, good or bad.]

By the COURT—When was Mr. Smyth elected an Alderman?—On the 14th of May, 1831.

How long had he been a Burgess of the Borough before he was elected?—I do not know; I believe he is a Burgess.

Is he a native of the Borough?—Yes.

How old is he?—About 26 or 27. His father was in the Corporation in 1819, and died whilst he was filling the office of Mayor for that year; he was also the County Treasurer.

Had Mr. SMYTH been an inhabitant householder for three years?—I cannot tell, without referring to the Overseers' books.

(Mr. TIBBITS's examination concluded soon after twelve o'clock.)



## GEORGE CATTELL GREENWAY, Esq.

SWORN AND EXAMINED.

Q. How long have you been Receiver?—A. For eight years.

As far as Mr. Tibbits's knowledge goes, the Corporation have no other Real or Personal Property whatever, except what they hold under the Charter of King Henry the 8th, or Sir Thomas White's Charity?—None other.

Have they not some Market Rents?—Yes, but they are not very productive, as they are mortgaged to me for a sum of money I paid on them.

Do they hold any securities?—None whatever.

Have they mortgaged any other property, besides the Market Rents?—None.

Is the Court House built upon part of the land conveyed to them by the Charter of Henry the 8th?—I believe not; perhaps you may not be aware they were deprived of their lands in consequence of building that Court House. They were deprived in 1762, and reinstated in 1769.

What place did they previously occupy?—The Market House was the Court House originally.

Do you know how they procured the property, the site of the present Court House?—I do not.

How were they restored?—They were restored by the Court of Chancery, in 1769.

Under that sequestration, were all their rents during that seven years paid into the Court of Chancery?—They were.

Do you know the name of the Receiver at that time?—I do not; I think it was one of the Corporation at that period.

Does the list you have put in (two years' Rental of Henry the 8th's Estates,) contain a complete Copy of the Accounts for the last two years?—It does.

Has the property increased much of late years?—It has increased since 1812; but I think, if any thing, it is now on the decline.

[Mr. GREENWAY here observed, there was a book containing all the transactions of the Corporation, if the Court should wish to see it. On the COURT intimating they should,

the large Book of the Corporation was sent for, which was designated by Mr. Parkes, in his Book of the Charities, as *The Black Book*.]

Is your Account annually audited by two Magistrates?—It is.

In what way do they audit them?—The Accounts are put before them, and they see what has been disbursed as they audit them.

How do they see that?—By the receipts produced of the bills I have paid, which is my voucher. They cast up the accounts, and some times cast up the bills. Mr. Holden, appointed by the Vicar, is a very good accountant.

Do you always produce the orders for the discharge of the bills?—Always.

Do you pay any thing without the order of the Corporation?—Never.

Do you always appoint the same Magistrate?—No.

When do you pass your accounts?—We pass the accounts either on Monday, Tuesday, Wednesday, or Thursday, after the Easter week.

Do you pay the Stipends and the fixed Incomes under the Decree without an order?—Yes. When an order is made in Council for a particular payment, a copy of that order is annexed to the receipt and exhibited to the Magistrates, and the common bills for repairs are subscribed “Allowed,” and signed by the Mayor and some one other Alderman.

Have you the Letting of the Estates?—Yes. The larger portion of the property are let under the direction of the Decree, generally speaking; but the houses and small pieces, are not; where a father has occupied a house, and the family, at his death, wish to keep it on, it is complied with.

How are they let under the Decree?—I act as auctioneer. Six weeks previous notice is given in the Church of Saint Mary, and the Church of the parish where the property lies.

Where do you hold it?—Some times in the Nisi Prius Court, and when it is cold in the Grand Jury Room, where I can have a fire.

The fire stimulates the Bidders?—Yes.

Do you call people in one by one, or how?—No, we get as many persons together as we can. Many persons assemble to bid, and it is carried on with a great deal of emulation and spirit, I assure you.

Has this mode of letting been pursued as long as you have been Receiver?—It has, in general, in the larger portions of land. There was a deviation in the case of a man of the name of Bosworth, who succeeded Mr. Wise, who took under the Decree. When Mr. Wise died, Bosworth continued under the family for the first seven years, when they gave it up. Bosworth, having improved the condition of the land, was allowed to continue it without a public letting. I considered it would have been an act of injustice to have taken it from him.

Did the Corporation make an order upon it?—No, it was merely mentioned.

As far as you know, has that course been pursued before you were Receiver?—Yes, for twenty or thirty years before I was Receiver; and as long as I can remember.

Was that the only exception?—Yes. There are several in the minor cases.

How do you let the smaller property?—In the first instance, it has been let by auction under the Decree, but if a father dies, and the family wish to continue, it has been allowed without a letting.

What does it consist of?—Houses and land in the parishes of Saint Mary and Saint Nicholas; and in 1812, when there was a great rise in land, the small takes were valued by a Mr. Whateley, and the houses by a Mr. Smith, and the tenants raised.

Do they continue so high?—The Lammas Land is rented at about £3 an acre, and the other from £4 to £5 per acre; but Mr. Boudier once gave us £10 an acre for some.

Do they remain now as high as when they were valued?—I think they are in general.

Are the houses and land let at full value?—Yes, and they will sometimes fetch more than their value, by the mode adopted under the Decree.

Have the rents of several houses been raised?—Yes, Mr. Enoch and Mr. Spicer have had several alterations made by the Corporation, and consequently raised.



Have there been any instances in which these little takings have changed hands?—Not many, they have only asked the Corporation and myself, and they have gone on, if they have paid their rent.

Have there been any instances, to your knowledge, in which you have served notices for any other reason than non-payment of rent, at the time of an election?—None; I have never served any notices at or about the time of an election. Our tenant Bosworth, has always voted against us; Spieer's father, who took the house, did the same. I should feel myself doing an act of great injustice, were I to turn the family out; the son will be continued, of course. I can respect any opponents, and have never used any power I possess as a political engine, nor have the Corporation ever done so.

What are the days on which the rents are received?—They are reserved on Lady-day, and Michaelmas-day, and are received on the 2d of May, and on the 2d of November.

You say the estates are let in the fair way you mention; are the rents paid nearly regularly?—No, there are some very heavily in arrear.

Do you, in general, receive a greater part of the rents in the course of the year?—No, I do not, generally.

Do you not, in general, receive at Lady-day this year, the rent of last year?—No.

What is the Rental?—The rental is about £2,760, and I receive about £1,500 or £1,600.

Do you receive a greater portion in May?—Yes, about £900 or £1,000.

If your Account were directed by the Deeree to be made up in May or June, instead of Easter, would the balance due to you appear to be diminished by about £1,000?—Yes.

You appear to charge interest upon your balancees?—Yes.

What interest do you charge upon your advances?—Five per cent.

How long have you charged that?—Ever since I have seen this decision—(handing up a Report of Bligh, in the Lords.)

Did you ever take a number of Bligh before?—No.

You have never taken one since?—No.

How did you make that discovery?—By this newspaper, *The Standard*.

And you will not take one again until you read something in *The Standard* that you think will be to your advantage?—Probably not.

Mr. COCKBURN—You do quite right, Mr. Greenway; perfectly right.

Mr. WHITCOMBE—And you will continue to charge it, until you perceive some authority for alteration?—Certainly.

Mr. COCKBURN—You do quite right, Mr. Greenway; perfectly right.

Whose decision is it; it is Lord Chancellor Lyndhurst's, I perceive, in 1830?—Yes.

Did you charge five per cent. before?—Yes, I always charged five per cent. but in a different manner. I made ten or twenty rests in a year; I stated all receipts and all payments, from time to time, and then charged interest upon the balance, from the time I received. I thought he knew better than I did, and I therefore took up his plan.

How often did you make these rests?—As the people dropped in to pay their rents. I did it as a banker's account.

Do you never charge yourself?—No, never.

If the Accounts were transferred from Easter to May, would it not make an essential difference to you?—I have no doubt but it would; for the last two or three years the town has been excited, and the arrears have become much larger.

Since you have been Receiver, has there been ever a balance due to the Corporation?—Never since I have been Receiver.

How long before?—A short time before.

Do you know whether any former Receiver, when a balance was due from him to the Corporation, paid any interest?—I believe, for the money in their hands they never paid any interest.

Are these Accounts audited by the Decree?—Yes.

[Mr. GREENWAY delivered a copy of the Decree to the Commissioners; by which it appeared, the Accounts were directed to be passed annually, by two Magistrates for the



county of Warwick, next adjoining to the town of Warwick, in the week after Easter week, on the Monday, Tuesday, Wednesday, or Thursday.]

Ever since you have been Receiver, has there ever been any money applicable to any contingencies which might arise?—No, never.

Have the fixed payments, and the necessary outgoings, swallowed up the whole?—Yes, they have.

Have there been some costs which the Corporation have been at for public acts?—Yes, the Lighting of the Town, the Police-Officer, and the requisite Improvements at Saint Mary's, and the Town, have been paid out of it.

For the last few years, have there been any considerable public works done by the Corporation?—Yes, there was a Chapel built for a Burial Ground. Mr. Cattell gave the Town a piece of ground, and the Corporation built a Chapel upon it.

When did Mr. Cattell give it?—He gave it in 1825.

What was the amount of building the Chapel?—£2,187, 19s, 2d. In 1825, there was £400 paid for widening the street near Saint Mary's Church, twice £200.; a house was pulled down and thrown back. The Chimes had some new tunes, which cost £344, in 1823, or 1824. Till of late years, the Churchwardens used to send an account to the Corporation of £400, £500, or £600.

Do the Corporation repair the Church?—Yes, and there are a variety of other payments.

When did they cut off part of that?—In 1824, or 1825, when Mr. Cattell was Mayor.

What is the difference between what they paid then, and what they pay now?—In 1832, the payment was under £60.

Was there no Church Rate before?—No, none at all.

What is the amount of the Church Rate now?—I do not know. In 1832, I paid to the Mayor, for preserving the peace of the Borough, £135.

Do you know to what particular purpose, that which they deducted from the Churchwardens, was applied?—Yes; it was expended in many public improvements, and in a variety of ways.



Since 1824, what Public Improvements have been made?—I have been in the habit of paying £100 per annum to the Night-Watch; the Lighting of the Town at first cost, £130, and it has since increased; it is now nearly £500.

Previous to 1824, were there any Public Improvements made?—Yes; Lord Warwick gave to the parish of Saint Nicholas a piece of land, to enlarge the Burying Ground of that parish, and a wall was built to enclose it, which cost £119 12s. The expence of Lighting in 1822, was £132 10s; and in 1832, £432 8s, 6d.

When was the piece of land given by Lord Warwick?—In 1824, or 1825. About the same period, Two Rooms were erected at the Free School at the East Chapel, which cost £200. To shew how little the Corporation were actuated by political motives, they always employed John Smith, as their contractor, and there is not a stronger Pink and Blue in the Borough.

Was Mr. Cattell a member of the Corporation when he gave the piece of land?—Yes.

What relatives had he in the Corporation?—Mr. Kelynge Greenway, my brother, is a relative to him.

Is it consecrated?—Yes.

[Rev. J. BOUDIER—The ground only is consecrated.]

How many would it hold?—It is very small, it would contain from 60 to 100 persons. £126 17s, 10d. was paid to Joseph Redfern, for plaistering, and he was another political opponent. The Corporation, as a body, never interested themselves in any political business.

Was the Chapel erected for the purpose of being an ornament to the town?—Yes, it might be made a Chapel of Ease.

Might it have been erected at much less expence?—Yes, it is built of stone. The two rooms were built at Saint Peter's, or the East Chapel School, for the health of the scholars, by John Smith, in 1826, or 1827, and cost £210.

How many are in the school?—I believe there are about seventy on the foundation.

Is that the Bablake School?—Yes. In 1826 there was £302 16s. paid for lighting.

Have there been in your time any extraordinary expenses to which the Corporation have been put; such as litigation?—They were severely attacked by Mr. Parkes and Mr. Collins, but they defended themselves out of their own pockets.

Have not the Corporation been actuated politically in the election of their own body; have not some been preferred and others proscribed?—No, I know only of two.

Name?—I have no hesitation: Mr. Tomes, and Mr. William Collins. We thought them two troublesome men, and we would not have them.

Mr. COCKBURN—Mr. Collins put you to some expence in the King's Bench some time ago?—He did.

How was that expence defrayed?—Out of the private purses of the individual Corporation.

[Upon Mr. GREENWAY referring to Mr. PARKES, and describing his book as a useful work, Mr. WHITCOMBE said, I am very glad to receive such a tribute to your Townsman and our Secretary.]

Mr. GREENWAY—On a recent occasion, when the Vicar petitioned, they paid the expences out of the public funds.

[Mr. COCKBURN here observed, It does very great credit to the Corporation of Warwick to have made that distinction; out of the many Corporations we have visited, they have not done so. Warwick, certainly, is a King of Corporations.]

Mr. GREENWAY—There was a Vestry built at Saint Nicholas, in the year 1826, which cost £78, and that was built by John Smith, the Corporation opponent.

That is Dr. Wade's Vestry House?—Yes, I have the honour to be a tenant of his.

And you are also Churchwarden?—Yes, though diametrically opposed to him in politics.

Have any election expences been paid out of the Corporation Funds?—None, but the Mayor's charges for preserving the peace.



In the Election of 1831, was not the Mayor charged with a considerable expence?—He must have been charged with an expence, but how he was remunerated I do not know.

Must he not have been put to a much more considerable expense than was incurred in 1832?—He must have been put to a much more considerable expence, because the opposite party had the town under their own controul, and were much more violent.

At the election of 1832, was the present Mayor the Mayor?—Yes.

Who was Mayor in 1831?—Mr. Jones.

Did the litigation of the Vicar put the Corporation to much expense?—Yes.

To what amount?—Mr. Boudier's bill, in 1828, amounted to £282 19s, 9d, and for the defence £549 7s, 2d.

Who was the Solicitor for the defence? It was conducted by myself and my late partner.

Who was the Vicar's Solicitor?—Mr. Foster, in town.

Had he any Country Solicitor?—No.

Had the Corporation to pay the costs?—Yes; they thought they had a right to the exercise of the Patronage, and therefore contested it.

Had the Corporation, in fact, exercised the Patronage and Appointment?—Always.

How is the Appointment of the Vicarage of Budbrook, and Saint Nicholas, made?—By the Mayor and the Aldermen.

How long had the Corporation exercised the Patronage of the Appointment of Curate?—From memory, I cannot say; but I believe, from time immemorial.

Before you entered upon the litigation with the Vicar, had you taken any Opinion?—No, we were actuated by the ground of usage.

Who struck the first blow?—The Vicar, and the Corporation thought it right to defend.

Did you ever make an observation, that the Corporation could not succeed?—Never.

Was the Town Clerk employed in that case?—No, only myself and partner. The Town Clerk was employed in a Criminal Information, on the defence of the Corporation.



How was it, that the Costs of the Corporation amounted to so much more than the Vicar's?—We charged costs as between Attorney and Client, and paid costs, as taxed, between party and party, and had many journies to town.

Was Mr. Alderman Greenway a partner then?—Yes, but he gave the produce of that bill up to me, and my partner, Mr. Shipton, and two other proceedings up to me.

Was your bill of £549, 7s, 2d, paid without being submitted to taxation?—It was.

To whom was it submitted?—To the Corporation, and passed as a matter of course.

Was there any other payment besides your bill?—Yes, there was £187, 3s, 2d, paid to Taylor for engines, also a strong Pink and Blue.

Was there any one else in the town who could have made those engines?—O, yes; but he was a very ingenious man, and had his own politics, and the Corporation did not interfere with him.

Are your bills chiefly bills of conveyance?—Yes.

Was Perry paid for what he did to the Chimes?—I do not know.

At the Election of 1831, had the Mayor an Assessor?—Yes.

Were his fees charged upon the Corporate Funds?—No; the Candidate of the one side paid half, but the Pink and Blue party never paid any thing; old Mr. Clarke was the Assessor, and grumbled very much afterwards that he was not paid.

Mr. WHITCOMBE—Yes, he grumbled to me.

Do you know what the Mayor's bill in 1831 amounted to?—No, I do not.

[Mr. JAMES TIBBITS said, he had delivered a bill, which he thought amounted to between three or four, or £500, on the part of the Mayor. The Assessor was paid £315.]

Mr. GREENWAY—I find, in 1820, £105 paid to the Chamberlains of the Common towards building a Herd's House.

Who are the Chamberlains?—They are appointed by the Leet, who meet in October.

How are the Rights occupied?—By certain houses in Saint Mary's parish. The Corporation built the Vicarage of Saint Nicholas, where I at present reside, in the year 1819. It was ordered to be built by an application to the Court of Chancery.

Since you have been Receiver, these public works have been done; out of what fund have the extraordinary outgoings been paid?—Out of the same fund.

Have they been paid out of the current rents of that year, or from any money in hand?—They have always given me orders to pay them.

When you receive any money from the rents of Henry the 8th, do you pay them into your own private account at your Bank?—Yes.

You do not ear-mark them?—No.

Preceding Receivers did the same?—Yes.

Do the outgoings fluctuate with any very great difference?—Yes.

Is there not always a fund, varying in amount, in your banker's hands, of money due to the Corporation, in respect of King Henry the 8th's Estates?—No, I am considerably out of pocket, often for a whole year.

Ever since you have been a Receiver, has there been at every Easter accounting, a balance due to you?—Yes.

Has that been a balance due to you which you could meet by the May and November receipts?—Yes, if there were no outgoings; but the usual outgoings are to be paid out of it.

Has there not been in your hands a certain sum of money which, in case of any contingencies, the Corporation might use?—None, but my own private property.

Do you make any difference in the paying in of the money paid to you as Receiver, and your own private purse?—None.

Does the Banker know?—No.

In the year, when after the payment of incidental and fixed outgoings the balance has remained, has the Corporation always made use of that surplus to the full amount?—Yes, ever since it has been in my hands.

So that the outgoing is always more than commensurate with the income?—Yes.



Do you render to the Corporation any other account than that of which you have handed us a copy?—None.

So that the Corporation do not know how you have received the balance?—No; sometimes, if applied to for a subscription to any thing, they ask me how they stand, and I give them a paper stating the balance.

The fixed sums never fluctuate?—Never.

Can you tell the difference of the outgoings?—No.

Could you give us for a number of years, for the last eight or ten years, the amount of the annual necessary outgoings, and then an account of the manner in which the surplus has been expended?—Yes, I will.

And also of the Annual Income?—Yes.

How often are you called upon by the Corporation to furnish this account?—It is quite casual. Perhaps two or three times a year, and some times not at all. It is only when they have any unusual outgoings to pay.

Are these accounts rendered by you in writing?—Yes.

Are they preserved?—No.

They are merely used as temporary papers to form a judgement as to the immediate expenditure?—Exactly so.

Did your Predecessor in the Receivership conduct the accounts in the same way?—Yes.

Did he open an account of the Corporation?—No.

In the return you have made, you mention some Lands granted by the Masters of the Brethren of the Guild?—Yes, it was formerly given for the Repairs of the Great Bridge, subsequently to King Henry the 8th's Charter; it lies near to Saint John's Brook, and is occupied by the present Mayor.

There were some lands received in exchange?—Yes, you will find the whole of the particulars in the Report of the Charity Commissioners.

Was the land given by the Master of the Brethren of the Guild, and the rents now accounted for, part of Henry the 8th's Estates?—Yes.

Have the Corporation any other Funds?—None.

Do you know any thing of the Market Rents?—They are very trifling. The Serjeant at Mace receives them and pays them over to the Mayor, who transfers them to the new Mayor. In 1827, the Corporation paid £166, 8s, on the



10th of August, for models of weights and measures, and their consciences would not allow them to pay it out of the estates of King Henry the 8th, and they ordered me to advance it. They gave me, as a nominal mortgage, the Market Rents. On account of the sum I advanced, I received on the 2d of November, 1829, from Mr. Burbury, £25, 16s, 11d; and on the 1st of November from Mr. Ward, £27, 5s, 1d. I have applied to Mr. Jones, who said he had only received something under £1, which he had transferred to Mr. Dodd. On application to Mr. Dodd, he said he had not received the Rents, and therefore could not pay, although he had charged them in the account as paid to me.

Do you know any thing of the origin of these Tolls?—You will find it in Philip and Mary, and also in the Governing Charter.

Does the Mayor for the time being hold the balance, if any, of these Tolls?—Yes, and pays it over to his successor, unless it is given to me.

Why did the Corporation consider these expences of the weights, ought not to be paid out of the Estates of Henry the 8th, as it appears a debt incurred for a public purpose?—I do not know.

[Mr. JAMES TIBBITS said, he believed the opinion of Mr. HOLBECH had been taken, who thought they ought not to be paid out of the Estates of Henry the 8th.]

Are you also the Receiver of Sir Thomas White's Charities?—Yes.

When did you last receive any money from Coventry?—I did not receive it until some time after it fell due; there will be another payment due at Lady-day next. On the 7th of October, 1831, I received £1,212, 15s, 0d, which was due at Lady-day, 1829. The balance actually in my hands, at the present moment, is £1,654. 8s, 11¼d.

To what amount are the Loans made?—They are £100, deducting the bond, which is 30s, and 33s, I charge for preparing it. I also charge 6d, in the pound for getting the Loans in.

Has that been customary?—Yes, from time immemorial.

What Securities does it require?—A Bond, with two Sureties, and if rather doubtful, three. I have only known one taken as a security in two instances; one was Lord Monson; and H. C. Wisc, Esquire, of Woodcote, was taken alone.

How long do they hold them?—For nine years. They have generally held the bonds longer; but by a recent Order of the Corporation, they must pay them over at the end of every nine years.

[Mr. GREENWAY here handed up the printed Order.]

If a Surety die, do you call for a fresh one?—Yes.

How long have you known them to stand over?—For four or five years; we write when they fall due, and if they do not attend to that, we write until they do pay; but if we see any danger we issue process immediately. We never look at the names but the dates, and write as they fall due. By the new Order of the Corporation they will only have three months' notice.

Do you charge for writing these letters?—No, the sixpence in the pound, we consider, pays for that.

When do you advance these Loans?—When people want them, they apply and bring their Sureties. A Petition is then prepared and signed, and laid before the Corporation, and if approved of the application is allowed, and the money ordered to be advanced.

Do you take into account the situation of the parties?—No, the Will expects them to be of good name, fame, and thrift, and if the Sureties are good, the Corporation do not trouble themselves as to whether the Principals are fit persons.

Must they be inhabitants?—Yes.

Do the Corporation make it a condition that they enter into trade?—No, it is generally allowed to young persons. There was a species of fraud discovered some time since, where the Sureties had given the Principal £10, and took the remainder to themselves; and therefore there is a Declaration of the Sureties at the back of the Petition, that they are not to have any part of the money.



Do you allow persons who keep hunters, or who have pipes of wine, to have it?—No.

In granting these Loans, has there been in your time any distinction made in respect of the politics of either party?—Not the slightest.

Can you undertake to say it has been given to the one as well as the other?—Certainly.

If you find the Sureties take the money, what do you do?—We call the money in.

Under what authority?—We introduce into the Bond a condition that enables us to call it in, if the Sureties get hold of it.

Has that been a recent introduction?—Yes, there have been cases otherwise.

[Mr. GREENWAY here offered to send for a Petition and Bond; at the request of the Commissioners they were sent for, and Mr. GREENWAY handed up one of the Petitions, with the Declarations which the Sureties enter into, indorsed and signed, and one of the Bonds; and Mr. WHITCOMBE said, "It is a very good Provision."

Mr. COCKBURN—A most excellent Provision, Mr. GREENWAY; you are, certainly, a King of Corporations.

Mr. GREENWAY—I am obliged to you, Gentlemen, for raising us a little out of the mud with which we have been so liberally bespattered by Mr. Parkes, who once charged the Corporation with high crimes and misdemeanours.

Mr. GREENWAY said, he had received a Letter from a man of the name of Herbert, (once a servant to Mr. Tomes,) who had received and repaid the Loan, shewing of what advantage it had been to him. He should wish to shew it to the Commissioners, because it proved its great utility, if properly applied.

The COURT—We shall be obliged to you for it, Mr. GREENWAY.]

Is that the only Charity of which the Corporation are Dispensers?—No, there are two which the Mayor dispenses. There was a Charity lost, some time since given to the Town by one Henry Heath, and now in the possession of a man of



the name of Beaumont, and some of it in the occupation of Mr. Tomes. We could not find the original Will. The Commissioners for inquiring into Charities endeavoured to restore it, but could not; the original was not to be found, only copies. There is also some Bread given away out of King Henry the 8th's Estates, to poor persons who frequent the Church.

Can you tell us any thing about the present state of the Free School?—No, I believe there are about twenty. I was once of that School, when there were only about ten boys.

Does the Decree say any thing as to the reception of Boarders?—I am not aware; I believe there were ten Day-boys when the School was in the most flourishing state, and about sixty Boarders.

Are there any Boarders now?—None.

[Mr. GREENWAY here handed to the Court Lord Coventry's Decree.]

Is this the only Decree which directs that boys should be taught from the Accidence to the Grammar?—

[Mr. J. TIBBITS said, by the 13th of Charles the 1st, Latin and Greek were to be taught.]

Mr. GREENWAY—The School was established at the Reformation, when Popery was no longer in power, in order to teach and encourage Protestantism, the classics, before that period, having been taught by the Priests.

Might not the School be made subservient to the different situations of the town. and more consistent with the character of Warwick?—It is entirely a matter of opinion.

Do you not think, if it were a School of General Education, and there were no charge of a guinea and a half entrance, there would be more Day-boys?—Probably there would.

Do you know any thing about the Entrance-money, was it charged in your time?—Yes; at the last Augmentation, as there was no actual Usher, the Master to whom the matter was referred to report, refused to increase the salary.

Has not the School been nearly deserted?—Yes. It was so before Mr. Innes's time; I believe it was so in 1790, or 1791, when Mr. Roberts was the Master. Under Mr. Lydiat it was a flourishing School. It has commonly been the case, when they have a new Master it flourishes, but when they get old it dwindles away. It was the case just before Dr. Wooll resigned; the School of Rugby was then very small, but when Dr. Arnold came it became a flourishing School. For the last 23 years the number of Boys has varied from 10 to 20, the largest number was 22.

Have the Boys educated there been the sons of gentlemen?—Yes. There was a Smith, whose father kept the School at the Chapel, who had the Exhibition to Oxford, but he did not conduct himself well and was expelled, and became a journeyman butcher. It is said he is now dead.

When I say gentlemen, I mean the sons of the higher order of tradesmen?—Yes.

Would the lower orders probably have sent their boys, had it not been for the entrance-money?—They might, but it is not probable they would.

What class of Boys go to the Bablake School?—The poorer class.

Is there any School to which the Boys of the middling sort of tradesmen go?—No, none but the East Gate, which is the same as the Blue Coat.

How many Boys are educated there?—About 70.

[Mr. JOHN GOODHALL—There are about 100, including all the different Charities, part of whom are clothed.]

Can you state, whether the present Master of the Free School has been very exact in his attentions, or whether he has not neglected it?—No, I believe he is always on the spot.

[Mr. Alderman WILMSHURST said, he had three boys educated at the School; Mr. Alderman WARD said he had had one boy educated; Dr. LUARD had had two boys educated; and Mr. SODEN had had two boys educated there; and they all stated they were perfectly satisfied with the



attention Mr. INNES paid to their education.—Mr. WILLIAM COLLINS here said, he had sent one son to be educated at the School, and had reason to complain.—Mr. WILMSHURST remarked, he would not complain at paying a guinea and a half, to have his boys crammed with Greek and Latin.]

Is there a National School?—Yes.

Do you know the number of children educated there?—I do not.

[Rev. J. BOUDIER—There are about 80 on the list, and about 70 attend.]

Do you know whether any part of the School Premises have been applied to any other purposes than those of the School?—The Garden is the only thing; it was formerly a Play-ground.

How long has it been so?—Perhaps for the last 20 years.

Have the boys any Play-ground?—None but the Church Yard, they had used to go home.

Might the Day-boys use the ground?—Yes.

What is the extent of the Play-ground?—It may be about a quarter of an acre; it is a square piece of land.

When you were at the School, should you not have been very sorry to have lost the Play-ground?—Yes.

Where is it?—It is at the back of the Church-yard. When I was at the School, Mr. Innes used to be very particular in keeping his Boarders out of the town; the Day-boys could go where they liked, and he used to consider it exclusively for the Boarders.

We have understood from Mr. J. Tibbits, that you have very recently given a Bond to the Corporation?—Yes, to the Mayor, Aldermen, and Burgesses. The Sureties were not submitted for approval to the Corporation. The Sureties who have now signed the Bond, were approved by the Mayor and Corporation my appointment.

Why was it not given before?—I do not know why it has not been executed before. My brother told me to propose himself and Mr. Cattell. I did so, and then observed to my brother the Bond should be prepared; when he said there was no occasion for it, and so it has gone on, until at



the last meeting of the Corporation I was called aside by the present Mayor, who reminded me there was no Bond, and it had been observed upon, and talked of in the town.

What was the reason it was not done before?—I suppose it was a matter of pride in my brother, as he knew I could pay it off at any time.

Does this Bond cover the money you receive, both in respect of Henry the 8th's, and Sir Thomas White's Charities?—Yes.

Is the Bond to the Corporation only, and not to the Vicar?—Yes, the former Bond was the same.

Does the Decree state it shall be to the Vicar?—Yes.

You have been speaking of several persons who have been employed by the Corporation, how are they divided?—They are about nine to four; the Corporation never have used their influence politically as a body, nor do they care which way it goes.

MR. WHITCOMBE—You have quite satisfied us upon that point.

Which way do the nine go?—Conservative.

Which way do the four go?—Whig, or Destructive; I hardly know which to call them.

MR. WHITCOMBE—A very sweeping term, Mr. GREENWAY, I hope there are several grades between.

Do you believe, in filling up the Corporation, although persons of different political opinion to the majority have not been entirely excluded, there has been care taken to preserve a majority of that cast of politics?—Why, I should say that care has been taken; and also that they are scrupulously desirous that that should not influence the regulations of town; and too much so, because all the opposition are employed in the repairs. But generally speaking, with one or two exceptions of individuals, whom they have thought too busy in the town, they have not cared which way it is.

Is there any general way of designating them the Corporation Candidates?—No; the Corporation have never troubled their heads about it; they are called "*Orange*," and "*Pink and Blue*."

Have not some been preferred, and others proscribed?—No; I know only of two.

Name?—I have no hesitation; Mr. Tomes and Mr. William Collins. We thought them two troublesome men, and we would not have them.

Mr. Collins made himself very troublesome, a short time ago, in the Court of King's Bench?—He did.

He put the Corporation to some expence?—He did.

How was that expence defrayed?—Out of the private pockets of the individual Corporation.

[Mr. COCKBURN—I must say, you are a king of Corporations.]

Mr. WHITCOMBE—No part of the costs defrayed out of the Corporation funds?—None.

Though you have never heard of the Corporation Candidate, have you heard of the Castle Candidate?—Never; I do not think Lord Warwick himself cares about it either one way or the other.

Did he care about it when they turned out his brother?—I will tell you how that was done. It was done by a Petition for Reform, carried about from house to house, and asking and entrapping the people to sign it. They replied, "O yes, we will sign for Reform, and we shall have every thing cheap." And so when the Election came, the Pinks and Blues said to them, "O, you cannot think of voting for Sir Charles Greville, he is against Reform;" and so they were deluded and voted for a reform Candidate; and if they had come in a straight forward way they never could have returned a reform Candidate. When I waited on Lord Warwick, on the death of Mr. Mills, as to whether we should return two Members, he said he did not care about it. He never wished to return two, and had it not been for his partizans, Sir Charles Greville would not have come forward. I think there is a feeling in the town not to return two of a side, but have one and one.

In the Nomination and Election of Aldermen, are you aware whether any attention has been paid to the wishes of Lord Warwick?—I think, certainly not; he has not been consulted, and never has expressed any wish about it.



Are you aware whether a very large portion of the Aldermen and Assistant Burgesses are not in the employ of Lord Warwick?—Yes, some are, but were not when they were appointed; they were never appointed at the instance of Lord Warwick. Till that period of 1831, they were employed indiscriminately, whether on one side or the other; and Lady Warwick's Charities have always been distributed indiscriminately.

Have you yourself ever taken an active part in the election of Aldermen?—Not, generally, I may have canvassed amongst my friends.

Have you ever discussed with your friends about the appointment of fresh Aldermen?—I have conversed with them respecting those who are fit persons to be appointed to the office.

Have you ever canvassed the different opinions of persons on a vacancy?—I never offered an opinion; I have asked them whom they would like.

Are you aware, in early stages, what functions were attached to the office of Assistant Burgesses?—I think, not any.

When a nomination takes place, they are present, and can hear what is said?—Yes.

I am requested to ask, whether you ever promised to any political partisan the office of Alderman?—Never; I have only asked the opinion of the electing body.

Can you undertake to say, that you never told any person he should be an Alderman?—I may have done so, in a joke, at some dinner.

Is it possible you may have done so?—It is a very bare possibility; I have no recollection of it at all; I think it is highly improbable.

When Assistant Burgesses are appointed, is any distinction made as to either party?—I believe, most of them were one and one men, until the Pinks and Blues became too inordinate.

How were they at the Election previously?—There have always been two sides.

Have they been one and one at the contested Election?—Yes, both Margetts and Rose have continued so.



Did not the contest lie between Sir Charles Greville and Mr. King?—Yes. Mr. Collins will tell you how the votes were transferred from Mr. Tomes to Mr. King, when Tomes did not want them.

If there were only one vote to be given, how would that be given?—I think it would depend upon the party who was already returned. If it were Conservative, I think the Pinks and Blues might rely upon it.

Mr. COCKBURN—Under those circumstances, I suppose the Pinks and Blues might rely upon you, Mr. GREENWAY?—No, no; not exactly so.

Mr. WHITCOMBE—Have you ever met, in searching into old Corporation books, with a resolution being come to by the Mayor, Aldermen, and Assistant Burgesses present and assisting?—I am not aware of it, there may be some.

I am requested to ask you, whether, after the Election of 1831, there was not a great number of Sir Thomas White's Loans called in?—No, certainly not; there never has been any political influence exercised in that way, and I will defy Collins or Parkes to prove it.

The COURT here observed, that any person was at liberty to put any questions to Mr. GREENWAY, who said he should be happy to answer them.

Mr. JAMES TIBBITS then rose and said, as it had been insinuated he had been appointed for party purposes, he would pledge himself to retire, if a majority of the respectable inhabitants would come forward and say he did not discharge his duties properly.

The Court adjourned soon after four o'clock.



*SATURDAY, October 12th.*

Mr. WHITCOMBE, who presided alone to-day, opened the Court at ten.

**JOHN TAYLOR, Serjeant at Mace,**

SWORN AND EXAMINED.

Q. Are you Serjeant at Mace?—A. Yes.

How long have you been so?—Twenty years.

Do you collect the Tolls and Market Rents?—Yes.

Have you collected them ever since you were Serjeant at Mace?—Not for the first three or four years.

Who collected them when first you were Serjeant at Mace?—A person of the name of Thomas Masters, the then Serjeant; I collected them for him till his death.

Have you collected them, either for him or for yourself, ever since you have been Serjeant at Mace?—Yes, before I was appointed.

How long before?—It is about twenty years since I first began to collect them.

Do you collect the same Tolls now as you did then?—Yes, exactly in the same kind of manner.

Do you collect them only on Market Days?—Yes, on two Fair Days in the year.

When is the market day held?—On the Saturday.

What are the fairs?—On the 12th of May, and on the 12th of October.

Are the tolls the same on the market days as at the fairs?—Yes.

What do you collect of each person?—I collect a penny of some, and two pence of others.

Of whom do you take a penny?—Of very few.

What is it for you take a penny?—For persons who sell cotton and lace.

What do you take two pence for?—For small stalls, and those people who sell garden stuff and fruit.

By what rule do you collect?—According to the quantity of ground; the smallest quantity of ground that is occupied

I take a penny for. I do not take any toll of people who come from the country and sell their own garden stuff.

What do you take from gardeners?—Two pence, or three pence, according to the quantity of ground.

Are there only two or three you take two pence or three pence from?—No, it is for garden stuff.

Do you take as little as a penny from any gardener?—No, two pence, except from two or three who pay three pence, and a great number of them pay nothing.

Then you do not ask them for any thing?—No, I do not; I could not do so, when I see them stand there and eat a crust of bread, and go home again when they have done.

What part of the town do you take two pence or three pence from?—In the Market Square.

How large are the stalls you take three pence for?—They cover about six feet of ground.

Do you take any toll of people in the Market Place, who bring and sell their articles in their hands?—Yes, they pay one penny for the use of the benches, found by the Corporation.

What do you charge those who stand to sell their poultry?—One penny.

Have you ever asked any persons who do not use benches, to pay toll?—No, I have done such a thing but only once; they refused to pay, as the ground where they stood was not in the market, and I did not ask them again.

What did you ask them for?—One penny.

Are the stalls where persons sell garden stuff, their own?—No, some are and some they rent.

Of the Corporation?—No.

Is that all you take in the Market or the Square?—No, I gather four pence and six pence for some stalls.

Do you take less than four pence or more than six pence?—I take two pence, but not more than six pence.

Is there any thing else you take for?—I do not take for the butchers' stalls, as they belong to the opposite houses.

Do you take any thing for Standing-ground for Shows?—Yes, I take from one to twenty shillings, according to the quantity of ground they occupy; and of some I take nothing, as they flee in the night time.



Do you not make them pay before they fix their Shows?—No, they cannot stand that, they leave all their money behind them.

Do you take any thing from people who live in the town?—Yes.

The same as from strangers?—Exactly.

What do you take in the Market House?—I take from four pence up to eighteen pence.

Is that according to the size of the stall?—Yes.

Do you take any thing else in the Market House?—Yes, the Butter-women pay one penny each, for the use of the benches belonging to the Corporation.

Is there any thing else?—No.

Do you make a bargain with the people of whom you collect, or do you insist upon having what you think right?—I make a bargain with them.

Is there any settled sum, or do you make the best bargain you can?—I make the best bargain I can with them.

Do you pay over to the Mayor what you collect?—Yes.

How often?—Once a year.

[Mr. COLLINS, Mayor—I hope you have sufficient to pay off Mr. GREENWAY'S mortgage; the debt is £15, 18s, 4d.?—TAYLOR replied, O yes, and as much more.]

Do you let any thing in the market by the year?—No.

Or by the quarter?—I have done so.

Do you now let them by the quarter?—No, only on a Saturday.

Do you pay any thing out of this, before you pay it over to the Mayor?—Yes.

What do you pay out of it?—I give a man eight pence a week to carry the benches backward and forward from the Market House.

What else do you pay out of it?—Nothing.

What do you receive out of it?—I, and a person who is under me, receive one shilling in the pound each, for collecting it.

Do you employ a man under you?—Yes.

Does he pay over what he receives to you?—Yes.

Then do you stop two shillings in the pound?—Yes; one shilling for each of us.

Is that all you stop out of it?—Yes; unless I pay a small sum for mending the pavement where it has been broken by the stalls.

How much do you pay over?—When I first collected the market it amounted to about £30, and increased to £80 a year; but it has been upon the decrease for four or five years.

How much does it bring in now?—The sum it brings in this present year is £65, 13s; what I pay over to the present Mayor will be what I collected up to Saturday last, the 5th of October.

Can you account for its having diminished?—There are not so many people attend.

Has the market been falling off for the last four or five years?—Yes.

What is the reason?—I look upon it as the reason, that it did not pay people to come to the market.

Do you take any thing for the Ground used for the Sheep Pens at the Fairs?—No.

Who does?—Mr. Bellerby.

Is that all you collect?—No; I collect from sixpence to a shilling from persons who bring a horse and a cart, and sell by auction.

Is that included in the £65 13s.?—It is.

Are the stalls used now in the Market-place the same as were used when you first knew it?—Yes; the same kind.

Are they the same in the Market Hall?—Yes.

What use was made of the Market House?—There were only four or five stalls in it when I first knew it.

Did they pitch corn in it?—Never.

How many stalls are there there now?—Some times there are about 16 or 17, and some times not half that number; the market is never alike for two weeks.

Do you remember the time, when the Mayors served for two or three years together?—Yes.

When that was the case did you pay over to him your receipts every year, or at the end of his Mayoralty?—I settled with him every year.

Do you recollect Mr. Smyth being Mayor for seven years?  
—I do.

Did you pay over to him at the end of every year?—Yes, generally before the 1st of November.

Have the Markets been on the decline, or have you not been so active in collecting your Rents?—I say the Markets have been smaller; that number of people does not attend now as formerly did; I am certain the Markets are smaller. I must know.

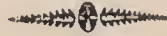
Do you keep an account of what you gather every week?  
—Yes.

Do you put it down in your book every week?—Yes.

When you pay it over to the Mayor, do you shew him the book?—No.

Does he take your word, or not?—Yes, I was never asked to shew my book.

Do you put any thing down, whilst you are collecting?—No, I put it down when I settle my money at home.



## THOMAS BELLERBY,

SWORN AND EXAMINED.

Q. Are you the Police-Officer?—A. I am.

Do you collect for the Sheep Pens?—I do when they pay the Rent.

Is it your business to collect?—Yes. Some time ago the Sheep Pens were removed from the Sheep-street to the Butts, and the Mayor then said the two persons who put up the Pens should pay £5 each, per annum. They are now one year and a half in arrear of Rent.

[By the MAYOR—I think they find their own hurdles, do they not?—Yes.]

The COURT—Do you pay it over to the Mayor?—Yes, whenever they pay me.

What do you pay over?—They pay me £10, and I give the Mayor £9. I was obliged to distrain, and seize their hurdles, about twelve months ago. They say they have not made that money this year, and cannot pay.



[The MAYOR—Is it your opinion they do, or do not collect?—I believe they do collect.

The MAYOR—I believe they make much more of it, there is a very large fair to-day.]

The COURT—Who received the rents in Sheep-street?—I believe, the owners of the houses opposite which they stood. The Land on the Butts belongs to the Lord of the Manor, Lord Warwick, who said he did not wish to be troubled with the collecting of the rents, and therefore he gave it to the Corporation.

Is that all you know?—Yes.



### JOHN TAYLOR, recalled.

The COURT—Q. Is that all you know about the Market Rents?—A. Yes.

Did the old Serjeant at Mace tell you what you were to collect?—Yes.

What were his directions?—It was to collect what I could.

Is there any person who collects the Rents, besides you?—None, but the Yeoman, who is under me.

Is all the money brought through your hands?—Yes.

[Mr. RICHARD HIORNS—I have seen the Serjeant at Mace ask a poor Cottager for his penny.]



### JOHN MORRIS,

SWORN AND EXAMINED.

Q. Do you reside in Warwick?—A. I do.

How long have you been an inhabitant?—About 50 years.

Have you a Son?—Yes.

Was he born in Warwick?—Yes.

Did you send him to the Grammar School?—Yes.

How long ago?—About eleven years ago.

Are you in any business?—No.

How long did he continue at School?—I think, between three and four years. I intended him to have stopped longer, but as I could not obtain what I looked for, I took him away.

Did you pay any Entrance-money?—A guinea and a half.

What was your reason for taking him away?—Because, I had intended him to have had one of Fulke Weale's Exhibitions, and when I found they were promised, and given away, I considered he had had learning enough, and I took him away.

What is the value of those Exhibitions?—£70 a year.

Where was it at?—At Oxford.

Did you intend to have brought him up to the Church?—Yes.

Had you any reason for expecting he would have the Exhibition?—Yes.

What was it?—When I took him, Mr. Innes promised me he should have it, as he was then the only boy, but several months afterwards more boys went to the School.

What did Mr. Innes tell you?—He asked me first, what I intended to make him?—I said, I wanted to send him to Oxford, if I could get an Exhibition. He replied, very well, he was the senior boy, and no one could deprive him of it.

Did that induce you to keep the boy there?—Yes; Mr. Innes told me, if he attended regularly according to the rules of the School, no one could have it before him. He said, the Trustees would require a Certificate from him, and if he went on regularly, he would give him one.

Did this continue for three or four years?—Yes; I called many times, and he was always in the same tone. Mr. Innes said, he was a good boy, and he could trust to him to attend to the other boys as well as himself.

How long did this continue?—I think, it continued for three or four years, when I heard from my Son, that there were two boys at the School; one a son of Mr. Pritchard, of Stratford, and the other a son of Mr. Cartwright, of Preston Baggot. I said to him, these boys are come for something more than we know any thing of; you take an account of every time they come to the School.

How old was your Son at this time?—He was then about ten years of age. He was always a very good boy to go to School, for I could hardly keep him away; and when he came home, he told me whether Pritchard or Cartwright had been, and I always put it down. They used to



come once or twice a week, and sometimes not at all. I let this go on for some time, when I called on Mr. Innes to ask him about it, he said, O, you cannot have it; one is given away, and the other is promised, I replied, that was very strange; and I asked him if he gave them a Certificate? He said, O no, the Trustees do not require any thing of the kind of me. I said, you told me, when I entered him, they could not take it, unless they had a Certificate from you; and he then answered, Well, I might have said so, but I would advise you to think of something else, as you cannot have that. I said, I do not know what to think of; I think you have used me very ill, as I quite depended upon you. He observed, put him to an attorney, or a land-measurer, or something of that kind. I said, I do not know what to put him to, I think you have used me very ill. Before I went away, I required him to give me, in writing, who the two boys were, and he refused to do that; but he afterwards told me the names of the boys, and the Trustees.

Who were the two boys?—Richard Pritchard, of Stratford, and ——— Cartwright, of Preston Baggot.

Whom did he tell you the Trustees were?—The Earl of Warwick, Major Wise, Colonel Packwood, Sir Gray Skipwith, and Mr. Holbech; I do not know whether there are any more, but he told me those. I told Mr. Innes I should write to the Trustees, as I thought it very odd for him to put two boys there who had nothing to do with the School; and he said, the Trustees might do as they thought proper.

How far is Stratford from here?—Eight miles.

How far is Preston Baggot?—About ten miles. I sent a person over to both those places, to obtain the certificates of the baptism of those two boys, and then afterwards wrote a Letter to each of the Trustees myself, and never received any answer from them. I went to several of them to speak about it; I went to Sir Gray Skipwith, and to Mr. Wise, but they gave me very short answers.

Was the Letter you wrote to them the same as the one inserted in the Warwick Advertiser?—Yes. \*

\* The LETTER here alluded to, and several other DOCUMENTS connected with this INQUIRY, are given after the Evidence.



Do you know whether Mr. Innes gave a Certificate?—I do not know; he at first said it was necessary to give a Certificate, but afterwards said it was not.

How old were they?—They were about seventeen.

What is become of your Son?—As soon as I found I could not obtain that, I sent him to a medical gentleman, and gave £200 with him. He has served his time, and is now in business for himself, at Studley.

Do you know whether these two Boys boarded in the School?—I do not know. Some times, when my Son went, he could not get in, and was obliged to stay out at the back door.

Did he complain to you, that when he went he could not get in?—Yes, many times; and would remain, perhaps an hour in the Church-yard, and would then come home.

Did it happen often?—Perhaps it might a dozen or twenty times whilst he was there.

Was there another door, through which he might have gone?—Yes, he could have got in at the front door on the Butts; but he was ordered not to go in there.

When he could not get in at the Church-yard, did he go round?—He said he had done so, but was scolded for it.

Which door do the boys generally go in at?—At the Church-yard.

Did he tell you he was scolded for going in at the front door when the other was locked?—Yes, he said Mr. Innes scolded him.

How many boys were there at the School when your Son was there?—I do not know; there was Soden and Hickling, and Mr. Russell's sons went afterwards.

How many went afterwards?—Seven or eight.

Was the back door always closed at a certain hour?—I cannot recollect; I believe Mr. Innes ordered his servant to unlock it at a certain hour; I would sooner think it was the neglect of the servant in not unlocking the door, than it was Mr. Innes's neglect.

At this time when your Son could not get into the School, did he go at the proper time, or an hour before?—He went at the regular hour.

He left Mr. Johnson's school every morning, to go to the Free School to his Latin lessons?—Yes.

What did he learn at Johnson's?—Every thing but Latin and Greek.

What did he learn at the Free School?—Only Latin and Greek.

Did you inquire of Mr. Innes about his learning any thing but Latin and Greek?—No; I did not know he could learn any thing else.

Had he used to go to Johnson's two hours in a morning?—No, he went three times a day; after breakfast until he went to the Free School.

Did you know there was a writing-master there?—No; I did not think of it at the time.

Is there one now?—If I had known there was a master to teach what he learned at Johnson's, I should not have sent him there. I have heard there is a Writing-master there.

The COURT—It is extremely disgraceful to the Corporation and the Master of the Free School, if it is so.

What is the name of the writing-master?—I do not know who attends there; Mr. Soden had used to go there as Writing-master.

Then you sent your boy to Johnson's because you believed there was nothing but Latin and Greek taught at the Free School?—Yes.

Since that time, has your Son told you they did teach Writing and Arithmetic at the Free School?—Yes, he said Mr. Soden attended there.

What did you pay Johnson for the schooling of your Son?—I think a guinea a quarter.

In a few months, you say, there were seven or eight boys came to the School after your Son went?—Yes.

How lately before Mr. Innes told you you could not have the Exhibition, had you inquired how your Son was going on?—I generally went about every two or three months.

Did he say how he was going on on the last day you went?—No, I had heard a little about it, and wished to know what he said before I asked him.

Have you any thing else to say about the School?—No.



Are you satisfied with the way in which your boy was going on whilst he was at the school?—O yes, I was perfectly satisfied with what I knew of him; because at the same time he went to Mr. Kendall, who examined him, and gave him a very good character.

Did Mr. Kendall say he was going on very well?—Yes, he always gave him a very good word for learning.

How long ago is it since you went to the Trustees?—About ten years ago.

Did you make any complaint to the town of Warwick, of your disappointment?—Yes, to several gentlemen.

Did you make any complaint to any of the Corporation?—No.

Do you know whether it was known in Warwick, your Son was disappointed of the Exhibition?—Yes, it was talked of in the town. As soon as I came home from Mr. Innes, I went to Dr. Parr, of Hatton, and told him of it, and it was by his advice I wrote to the Trustees, as they had done wrong.

Did you, when you told the people what had happened, mention that Mr. Innes had promised your Son should have the Exhibition, and if he attended regularly, and could obtain a Certificate, no one could deprive him of it?—Yes.

Did you ever publish an account of it in the Newspaper till the other day?—No, for I thought it was of no use to do any thing of the kind, as the Trustees would not listen to what I said, they would not to what I published. I only know it was a great disappointment to him and to me, because I was in view of getting him a Benefice of £700, or £800 a year, and it was a very great disappointment to both of us.

How old was your Son, when you took him away?—He was about 14 or 15. He was about ten when he went there; I do not know exactly how long he was there.



## The Reverend GEORGE INNES,

SWORN AND EXAMINED.

Q. Are you Master of the Free School?—A. Yes.

How long have you been so?—About forty one years.

Did you know it before you became Master?—No, I was perfectly unacquainted with the School until I made application about it, and was informed of a few of the circumstances by my friends.

Did you know what duties you were to perform before you came?—No, I never heard. I heard it reported there were, generally speaking, one or two Boys, but whether it were so or no I cannot say.

Is it in the grant of the Crown?—Yes, in the grant of the Chancellor and the Crown.

Were you, or were you not, appointed by any application from the Corporation of Warwick?—None at all.

Were you connected with the Corporation previously?—Not at all.

Did you, when you applied for the School, or when you first came to it, make any inquiry as to the nature of what was taught there?—I did not conceive it necessary; I thought it was to teach Latin. I had a copy of Lord Chancellor Coventry's Decree.

Are the Corporation directed, in that Decree, to see that the Master does his duty?—I am not aware of such an Order. I think the words of the Decree are to teach Latin and Greek after the boys are capable of reading well, and they should be bred and brought up in the town. I made some inquiries, but what the answers were I cannot tell. I understood there were very few boys there, and the Stipend was very small; and the chief profit arose from Boarders.

Are you able to recollect whether you communicated with the Corporation at all?—Not the least in the world, as a Corporate body, but I made some application to them as individuals.

Did you take Boarders when you first came to the School?—Yes.

Must the Day-boys be natives born, and brought up in the town?—Yes, by Lord Coventry's Decree.

Do you recollect from whom you received this extract?—  
I have not the least recollection.

Was there a charge of a guinea and a half Entrance from every boy when you came to the School?—Yes, it was established when I went there.

In all instances have you taken that sum?—Always.

What was the System of Education you adopted at first?—I followed mostly the Rugby.

What else was taught in the School?—Nothing else.

Neither Writing nor Arithmetic?—Certainly, never.

In short, nothing but the Classics?—No. I had a Writing-Usher for my boarders, and several other boys learnt and paid.

Do you know whether, in your Predecessor's time, there had been any Writing or Arithmetic taught to the Free-boys?—No, I never heard one way or the other.

How long did you take Boarders?—Perhaps, from fifteen to twenty years. I parted with them merely at last because my health would not endure it, and I was obliged to give it up.

Was your health sufficiently good to allow you to attend to the School?—Yes, I always attended to my School, even though I had but one or two boys; I scarce ever omitted a day.

About what number of Day-scholars had you at first?—I think nine or ten. I gave a list to the Commissioners of all the boys who were at the School on the Foundation, since I have been there.

Have you a copy of it?—No.

[Mr. WHITCOMBE here read the Report of the Commissioners upon the School. It stated, the first year, 1793, there were nine Day Boys, and the number, since that time, has fluctuated very much, but never exceeded that amount; and, except in 1796, when there were ten, and in 1823, eleven attended, the number, in general, has fallen considerably under the first amount, not being frequently more than two or three. The average number is about five a year; all who have chosen to attend have been received into the School.]



What is the present number?—Eleven; there were fifteen before the late holidays; four have left me. I have never taken boarders since the period I speak of.

Are these Day Scholars all Free Boys?—Yes.

If Day Scholars come to you, do you charge for them?—Yes.

Do you make a further charge of five shillings every half year?—Yes.

What is that for?—For fire, and for sweeping and cleaning the School, which is cleaned every day, and fire used in the winter.

Has there never been any period during your Mastership, in which there has been no boy at the School?—I do not think there has ever been such a period. I cannot state, but from memory I am sure there has never been a period in which I have not had one or two.

Have you ever refused to admit any boy?—Never, any one who could prove himself born and brought up in the town of Warwick.

If applied to to take the boy of an Inhabitant of Warwick, not born in the town, would you refuse?—No, provided I was paid.

Has it ever happened to you, to be applied to by an inhabitant of Warwick to take his children who has stated he was not able to pay the Entrance-money?—No, I do not think there ever was such an application. I cannot positively assert there never was.

Have you ever admitted into your School, as Free Scholars, any boys not born in Warwick?—Not as Free Scholars; I could not answer that without referring to my books.

When applied to to take a boy as a Free Scholar, how do you satisfy yourself?—I have generally had no satisfaction but the word of the parent. I have sometimes said to parents, that if they did not bring them up to public professions, they had better put them in the general walks of life; but if they sent them to me, I would do my duty by them.

If a child of parents, whom you know to be residents of Warwick, is brought to you, do you take their word for their being born in the town?—Yes.



I have been requested to ask, if Mr. Gem's sons were born in the town?—I had a note from Mr. Gem, asking if his Sons were admissible; and as they were not born in the town, I answered I held them to be inadmissible.

Did they come to the School?—Yes.

As Free Scholars?—No, I received pay for them.

Were the Sons of Mr. Wilmshurst?—Mr. Alderman WILMSHURST replied, all born in the town.

Are Mr. Wilmshurst's Sons Free Scholars?—Yes.

Did one of Mr. Gem's Sons have one of these Exhibitions?—Yes.

Are his Sons natives of Warwick?—No.

Was he qualified for the Exhibition?—Yes; the Certificate from me is almost the only requisite to introduce him to the Trustees. It certifies that he has behaved himself well, and that he has continued at the School until he was seventeen.

Do you state whether Free?—No, that is the business of the Trustees.

At the time when the children of Gem, or one of them, had the Exhibition, were there any of the Boys on the Foundation who could have taken it?—No, or they would have had a prior claim.

Does Gem reside in Warwick?—Yes.

Would it be very well known that Gem's Son had the Exhibition?—Yes.

Have any of those Exhibitions been given away in your time?—Yes, there are two in every seven years.

Has there ever been a vacancy not filled up?—No.

Have these Exhibitions, in general, been given to Free Scholars?—Whenever they have been vacant, they have been given, in preference, to the Free Boys, if they are competent.

How has it been in general point of practice?—I could not answer that, but I think mostly to the Free Scholars.

[The COURT was here informed, that by the Will of the Donor, the Exhibitions were to go to two young men Natives of the Town, and as a necessary condition brought up in the Free School until the age of seventeen years; or in default

of natives, then to go to Two other Boys educated at the said School until the age of seventeen; that the Trustees were independent men of the county, uncontrouled by the Corporation or Mr. Innes.]

Were Cartwright and Pritchard on the Foundation?—No.

Were they Boarders?—No, they lived in the town; one of them, Pritchard, was of very indifferent health, and used to ride from home in the morning, and sometimes return at night.

When you first took to the School, you taught nothing but Latin and Greek, and you have adhered to that course ever since?—Yes.

As far as your Free Scholars are concerned, you have only, generally speaking, taught Latin and Greek, unless paid for?—No. I made a compendious form of Arithmetic, of my own, and taught it to those Boarders only who were remarkably quick and attentive.

Since you have been Master, have the Corporation been in the habit, from time to time, of visiting your School?—Never.

Have you ever been called upon by the Mayor, or any of the Members of the Corporation, to give an account of the way in which the School is going on?—Never.

Were you ever called upon to make a return?—Never.

Have they ever interfered with the management of the School?—Never, I always conceived I was perfectly independent of them.

In point of fact, did the Corporation, or any Members, interfere with the management of the Free School?—Never.

Did you ever believe they had the slightest authority to do so?—I have always conceived they have not the least authority.

Did you suppose there was no Visitor?—I apprehended there was none.

When Cartwright and Pritchard had the Exhibition presented to them, was Morris's Son on the Foundation?—I do not know.

[MORRIS said, he took his Son away soon after.]



Have you seen the Warwick Advertiser of last Saturday, which stated that the Exhibition was given to Cartwright and Pritchard, and withheld from Morris's Son?—I have not seen the Warwick Paper for three months, and cannot conceive what can be said upon that.

The COURT here read over Morris's evidence to Mr. Innes, and asked him if he had any observation to make upon it?—Mr. Innes observed; to the first part of it I wish to object, and I will undertake to assert positively, upon my oath, I never used the word *promise*.

[MORRIS here exclaimed—Mr. Innes you are a very false gentleman.]

I remember asking him very well, what he intended his son to be, and he replied, he looked for an Exhibition. I referred to my books, and found that by the time he would be of the proper age, the Exhibitions would be just coming in; this I told him. It happened, he could not have these Exhibitions; and he left the School when he was fourteen years of age, when they were given away. They happened to be vacant by a death out of the seven years, and an expulsion, and no one could have them unless he was seventeen. Morris wanted me to take no boy into my School, until his Son was fit to receive the Exhibition.

[MORRIS—It is false.]

The COURT—Morris, we will examine Mr. INNES now, and let him state what he thinks proper; we will hear any thing you have got to say afterwards.

Mr. INNES continued—His Son was then fourteen years of age or thereabout, when the Exhibitions were vacant, and it could not be given to a boy unless he was seventeen. He therefore, had three years to come, and any other boy might have fallen in and taken it. I could not promise an Exhibition, because I had nothing whatever to do with them in any shape whatever. It is very strange he should charge me with having promised an Exhibition over which I have no power, or was ever consulted about.



[Mr. GREENWAY here handed up the Appointments to the Court, and explained how they fell vacant. A Bill was filed against the Trustees, in the Court of Chancery, by Pricket, who had left the School, and therefore could not take it; but he did not succeed. We always go by that rule, and wait for no one.]

The COURT—When Cartwright and Pritchard were appointed to the Exhibition, were they qualified in point of age?—Yes.

And at that time did Morris's Son want two or three years?—Yes, but had he been of age he must have had the Exhibition at that time.

Is there any other part of Morris's evidence, which you wish to contradict?—He speaks of his boy not being allowed to come in at the Butts door, but if the boys were to enter at that door, they must pass through the whole of my house. His being kept out may have happened once or twice, but he has not remained there more than half or a quarter of an hour. It is impossible; I do not think any boy ever did.

Does the door open immediately into the School?—Not immediately.

Have you attended the School every day?—Nearly every day. When I have had but a single boy, I have given up other engagements for my School.

Is there not some ground in front of your house which is now a garden, and which was formerly a Play ground?—Yes, it was a play-ground for my Boarders.

What was it when you originally came there?—It was a garden, and a wall separated it from my house.

When you came there, was it in cultivation as a garden?—Yes.

Then you made it a play-ground for your boarders?—Yes.

When was it converted into its present state?—As soon as my boarders left me the grass began to grow, and I then mowed it, and made a border round it, and afterwards planted a few trees and flowers in the middle.

When your boarders left you, was it used by the Free Scholars?—Never.

THE COURT—Dr. LUARD has put into my hands, a note which informs me of what I am not surprised to hear, but what I have been told by persons of different political opinions. Dr. Luard's note says, I have known Mr. Innes for twenty three years, and a more honourable and conscientious man never existed. This has been put into my hands, and as I receive none but public information, I have read it. I have great pleasure in receiving this, and I am bound to say it is in perfect consistence with what I have heard from other gentlemen, and an old pupil of Mr. Innes's, Mr. Joseph Parkes.

At the time when Cartwright and Pritchard were appointed to the Exhibitions, was there any other Free Boy of age to take them?—Morris's Son was the nearest, and he was three years too young.

Has Mr. Morris been correctly informed by his Son, of the unfrequent attendance of Cartwright and Pritchard?—Pritchard was in a very precarious state of health, and I used, therefore, to have him in my Study, after the other boys had said their lessons.

As you have stated, you frequently at various times have had but two or three boys at your School?—Yes.

At this time, your attention to the School has not been during the whole of the school hours?—Not so long; they learn their lessons at home, and when they come I hear them, and they then go back.

In case of boys not coming regularly to the School, do you make any inquiries?—No, mine is a very small establishment. I seldom received any information from parents. I never choose to send a boy to inquire against another boy, because I think it might make him false for life.

When any one absented himself from School, what measures did you take?—I take their word for the cause of their absence, unless, which is very rare, I have any other opportunity of inquiring.

About how long, in the course of the day, have you been in the habit of being in the School?—Every other day there is a half holiday; on Monday, Wednesday, and Friday. I enter at about a quarter or half past ten, until 12 or one; and in the evening, from a quarter to half past ten until four.



Do they learn any lessons in the School?—No; I have often wished them to come to construe their lessons over one with another, but I cannot accomplish it.

Have you found the circumstance of boys going to other schools, an interference?—I have always made as much allowance as I could, but I have found it a little inconvenience.

Then what they do in the School is to come and say their lessons, or repeat and construe.—Yes. They have every day to repeat a grammar lesson, and give an exercise, and to construe something.

Then from two to three hours in the morning, and about an hour in the evening, and three half holidays a week?—Yes.

How long together have you been absent from the School? Once I was absent five months. I was at Torquay, attending to one of my family, who was exceedingly ill; but my School was amply provided for, at my own expence, during the time; and I have twice or three times been absent for a week.

When you have been actually residing in Warwick, have you ever been absent from the School any series of days?—I do not remember having been absent from my School two days, or scarcely to have given a holiday in the year. I beg to say that in forty-one years it may have escaped my memory. I do not remember to have been absent for any number of days in my life. I do not think I can recollect having been absent for one or two days.

When a boy has done his lesson he may go away?—Yes.

Have you any Usher?—No. The last Augmentation was £30, and the Master said, as there was no Usher he should not increase it.

At the last Augmentation of the Stipendiaries there was no Usher?—No, none to apply.

Is that since you were Master?—Yes; there have been two Augmentations since I have been Master.

Has there ever been an Usher since you have been Master?—Yes, I had one several years when I had boarders, but I made his income, as far as I can remember, nearly £100.\*

\* Mr. INNES has some times, with allowing them to take Pupils, made it more than £100, and once only with Mr. ROE, it was much less.



What were his duties?—To attend to the Free Scholars, and all the lower boys, and be in the School before I came in, to see that the boys learned their lessons, and did not play and make a noise.

When you parted with your boarders your Usher went away?—Yes; I told him I could no longer afford his additional pay, and he went away.

Did he teach the boarders any thing but Latin and Greek?—No, writing and reading I did not profess to teach.

What was his Stipend, at the time you had used to take boarders?—I believe the same as now £30.

Supposing the rules of the School admitted such an education, would not £30 be sufficient to remunerate a Writing Master?—I should hardly conceive any one would take the office for it.

In what proportion has your own Stipend been augmented since you first entered?—I cannot tell, it will appear by the Deerees.

There have been one or two Augmentations?—Yes, two.

And at either of these, was there any Usher to apply?—Yes, the Usher was increased from £18 to £30.

Is the Stipend you now receive, that which was fixed on the last Augmentation?—Yes. I receive £8 from two other charities.

Mr. G. C. GREENWAY here observed, that he paid Mr. Innes only the fixed Stipend, and to no one the Usher's Salary.

Did you prepare the last Petition, Mr. Greenway?—It was prepared in my office. The Master refused to augment the Usher's Stipend, as there was no Usher, and as it would be time enough to apply when there was one.

To Mr. INNES—The Repairs of the School have been done by the Corporation?—Yes.

When repairs are necessary do you apply to the Corporation?—Yes.

Do they send any one to examine?—Yes, I think they do generally.

Have you found, that whenever repairs were necessary, the Corporation have been willing to do them?—At times they have, but at others they have not been accommodating.

Have you ever been inconvenienced in the occupation of your house from their neglect?—No. I have done repairs myself, but I make no complaint against them.

The COURT—Mr. Morris, you are now at liberty to put any questions to Mr. Innes.

MORRIS—I wish to know where those two boys, Cartwright and Pritchard, resided in Warwick?—Mr. INNES: Cartwright changed his lodgings several times, and Pritchard would frequently ride over in the morning, and return at night, and not sleep here.

The COURT—Mr. Morris, I do not think it material for you to go into any further inquiry, because it seems, at the time these Exhibitions were given, your Son was not old enough to have taken one. At any rate, if you have any ground of complaint, it is a complaint against the Trustees.

MORRIS—I do not make any complaint, but what I put in the paper was for other people to see how I had been served, that they might guard against it themselves.

Mr. INNES—Mr. Morris's Son was quite incapable of having it from his want of age.

The COURT—Mr. Morris, have you the misfortune of being blind?—Yes.

Are you totally blind?—No, I am totally blind of my left eye.

Did you apply to Mr. Wilmshurst to state in a return you were totally blind, in order to have an increase of Pension?—We are obliged to give in a Return of the Certificate of a Surgeon of the state of our eyes, and I believe Mr. Wilmshurst stated that one eye of mine was lost, and the other impaired. My Discharge states me to be quite blind.

Did you wish Mr. Wilmshurst's Certificate to correspond with your Discharge?—The order was made, and I believe Mr. Wilmshurst made the return of my eyes as they actually were.

What did you wish Mr. Wilmshurst to have stated?—Nothing more.

Did you ask him to state you were totally blind?—Never.

Mr. Alderman WILMSHURST—Yes, you certainly did, Morris, and you came back two or three times, and was very angry that I would not state you were totally blind, in

order that you might have an increase of pension. I should not have mentioned it, but you have impeached Mr. Innes's character, and I wished to shew how much your veracity was to be depended upon.

Dr. LUARD—So much for the veracity of Morris, and the tale of the Warwick Advertiser.

Mr. SODEN—Mr. Morris has stated, that I was the Writing-master to the Free Scholars. I deny it; I was only the Writing-Master to Mr. Innes's private family.

Mr. G. C. GREENWAY here delivered several extracts, &c. exemplifying his examination of the preceding day; and observed, if the COURT thought of any point which required his assistance, or any documents they might want, if they would write to him, he would do all in his power to forward them.

The COURT was then adjourned, *sine die*.



### WEDNESDAY, October 23d.

Mr. WHITCOMBE opened the Court this day at twelve, and the Inquiry was resumed.

Mr. G. C. GREENWAY delivered to the COMMISSIONER a Return of the Number of Sir Thomas White's Charities called in after the Election of 1831. There were twenty-seven called in; and out of that number fifteen were from *Orange* men—nine from the *Pink and Blue* party—and three *One-and-One* men—which, he observed, clearly proves there was no partiality. The Election spoken of took place in April, 1831; and those persons who are marked *Pink and Blue*, voted for Tomes and King—those marked *Orange*, voted for Sir Charles Greville—and those marked *One-and-One*, voted for Greville and Tomes, or for Greville and King.

Mr. GREENWAY then handed to the COURT a Return of the actual Receipts of the Rent, from the Rent-days in November and May. It shewed the amount of the rents of King Henry the 8th's Charity, from the time he had been appointed Receiver, which proved the Arrears due at Lady-



day, 1832, were £1,718, 1s, 3½d; and at Lady-day, 1833, £2,019, 8s, 7½d. The Gross Amount of the Rental was £2,762, 2s, 9d.—He also gave to the COURT a Copy of the Decree of 13th George 2d.

I have seen the MAYOR (said Mr. GREENWAY,) on the subject of a statement made by him on Saturday the 13th, that the Debt of the Mortgage of the Market Rents due to me, was £15, 8s, 4d; when, with interest charged upon it, the amount is £142, 4s, 4d. I understood you to say, the other day, (still addressing the COMMISSIONER,) it was a mere matter of delicacy that the Corporation had not paid it out of the Estates of Henry 8th, and if you do not see any objection to it, I have no doubt the Corporation will pay it.

The COURT—I do not wish the Corporation to pay it out of their funds, I leave them to act for themselves. I dare say Mr. Holbech had much better reasons for the advice he gave, than I have.

Mr. WILMSHURST—The Weights and Measures were purchased for the good of the town. Had they not been provided the tradesmen of the town would have been obliged to send their measures or weights a distance of ten miles, to be marked.

The COURT—The Corporation must act on their own discretion; they cannot follow better advice than Mr. Holbech's at any time. They must not pay the amount out of their funds, and say I told them. At the same time, I think they are justified in paying it.

Mr. GREENWAY, adverting to the Free School, said, I can find no express directions to the Corporation to see that the Master performs his duties.

The COURT—In Coventry, they have been making many improvements in their Charity Schools for the last two or three years, and the Corporation have asserted their right to see to the management of the Schools, upon much less authority, as it appears to me, than, if Mr. Parkes's extract from the Decree be correct, you might.

Mr. GREENWAY observed, the impression upon the Corporation has been, they have no power. I presume you draw your inference of their right from Lord Coventry's Decree, dated 17th July, 1638, 13th Charles 1st.

The COMMISSIONER then read the following extract from the Decree:—

“ By Lord Ellesmere’s Decree, 13th James 1st, 1616, it is among other things ordered and decreed,—That the Bailiffs and Principal Burgesses shall take and receive all the revenues and commodities of the said lands, and profits of the said Town, and shall employ the same yearly in all things as are intended by the said Certificate, and the intents and meaning of the several Donors thereof; wherein this Court doth wish them to have regard of the now Incumbent Ministers, they and their Successors, being sufficient Preachers, lawfully authorised, and conformable to the law and ordinances of the Church of England; and also that they have regard to the School-master of the Free Grammar School, their and his Successors, being sufficiently painful and diligent in their places, and especially to Mr. Hall, the now present Incumbent of St. Mary’s parish Church, being the principal Church and the greatest parish there, and his Successors.”

This, certainly, (continued the COMMISSIONER) directs them to have some sort of controul over the Schools; although I do not say it makes them actual Visitors.

The Rev. J. BOUDIER said, he thought that extract in the Decree was concentrated, and applied to himself as Vicar, together with the Master.

Mr. GREENWAY thought they had no power, by the Decree.—The clause alluded to states—

“ And by the Decree of Lord Coventry, 13th Charles 1st, 1638, it is recited—That the School-master of the Free School, in Warwick, of the foundation of King Henry the 8th, had then £20 per annum paid him by the said Corporation, and that his Usher had £8 per annum, likewise paid unto him the said School-master for the time being, it was decreed that he should have £10 per annum more for his further increase of maintenance, and his said Usher 40s. more per annum, so as such Master and Usher teach all the children bred and brought up in Warwick, from the Accidence to the Grammar, and so forwards, without taking any anything for the same, after they are fit to be taught the accidence.”



THOMAS COLLINS, Esq. (*Mayor*,)

SWORN AND EXAMINED.

(Mr. WHITCOMBE, the only Commissioner on the Bench, now resumed the examinations.)

Q. Are you the present Mayor?—A. I am.

How long have you been a Member of the Corporation?—

Upwards of twenty years.

Were you elected as an Alderman?—Yes.

Were you at that time in any business in the town?—Yes.

What was it?—I was a wool-stapler.

Were you applied to by some Member of the Corporation to become a member?—I believe I was.

At that time, what class of persons were in the Corporation?—They were of different classes; mostly retired gentlemen, and some of them retail shop-keepers. Edwards and Hughes were both in business, and in the Corporation.

Did the first contested Election, after you were an Alderman, occur in 1826?—Yes.

Have you any reason to believe, that at the time of your election, politics were at all considered in filling up the Corporation?—I think not so much so as they have been latterly.

Am I to understand that latterly they have been considered?—Yes, I have no doubt about it.

How long since, are you able to say with confidence, have they been taken into consideration?—Since about the year 1826.

Do you think, since the year 1826, care has been taken to secure a preponderance in the Corporation of one cast of politics?—Yes.

Who were the Candidates at that Election?—Sir Charles Greville, Mr. Tomes, and Mr. Winn.

At that election, Sir Charles Greville had been a Member for some time?—Yes, he was the sitting Member.

Had Mr. Mills?—Yes.

Was Sir Charles Greville the Castle Candidate?—Yes.

Was Mr. Mills what was called an Independent?—Yes.

Did Mr. Mills die in 1826?—Yes.



What party was Winn reported to belong to?—To the Castle party.

He and Tones were opposed to each other, on the death of Mills?—Yes.

Did the Corporation, as a body, take any part in that election?—I believe they did.

Were they favourable to Winn?—Yes. Our present Treasurer was very active in the canvass.

Was Mr. G. Greenway a member of the Corporation at that time?—No, his brother was; he was Receiver. He has generally taken a very active part in the choice of Aldermen and Burgesses.

At that election, did he take an active part for Mr. Winn?—Yes.

Do you know whether he was professionally engaged?—I do not, I believe so.

Did he act as a firm supporter?—He did.

Where did Mr. Winn reside?—He was at the Castle; I do not know where he resided out of Warwick.

Was he a resident in Warwick, or Warwickshire?—He came here as an entire stranger.

Did any of the Aldermen take any active part in the election?—Yes, I have no doubt they did.

Several of them?—Yes; Colonel Steward, at that time a member of the Corporation, was very active.

Who was he?—He was a Colonel in the Warwick Militia, and lived in the neighbourhood, in the parish of Warwick.

Was there any election of Aldermen shortly after that election?—I do not recollect.

Who was the next Alderman elected?—I believe, a person of the name of Oram, a butcher, was elected, but did not accept.

Mr. JAMES TIBBITS said, Mr. Tibbits, senior, Mr. Burbury, and Mr. Ward, were elected in April, 1827. Mr. Oram was elected an Assistant Burgess on the same day.

Were Tibbits, Burbury, and Ward, of the Castle interest?—Yes.

Mr. GREENWAY—I do not think Burbury was.

Mr. COLLINS—Yes he was, they were all of a batch. He has since changed his principles.

Mr. GREENWAY—I do not remember him.

Mr. COLLINS's examination continued.

Were those three gentlemen all what are called the Castle party?—Yes, at that time. Burbury has since changed his opinions.

Were Oram, Freeman, Banner, Benbow, Stowe, Margetts, and Rose, who were appointed Assistant Burgesses, all of the Castle party?—Yes.

Do you recollect the filling up of the number of Assistant Burgesses?—Yes.

Was it in consequence of some notices you and Mr. Kelynge Greenway, the then Mayor, received from your Son?—It was.

Do you know whether the other five were of the same party?—Yes, all, with the exception of Edwards, a shoemaker.

Were the remaining five, Jones, a draper, Robert Tibbits, Joseph Phillips, William Phillips, and Dodd, of the same party?—Yes, all pretty well understood to be of the Castle interest. Our Reeceiver has been very active, and you, Mr. Greenway, have tried them all very strongly.

Mr. GREENWAY—I think you state, on oath, more than you are in a situation to prove; when a man gives evidence, he must know the facts.

The COURT—What?—Mr. MAYOR is attempting to depose upon oath that which he does not know of his own knowledge, and calling upon me to vouch for him.

The MAYOR—They are facts known too notoriously.

Have you proposed to the Corporation any gentleman to fill up a vacancy?—I have done, but I have only got sneered and laughed at for my pains.

Have the persons you proposed been respectable and fit?—Yes, older inhabitants and more entitled to the situation.

Have they been persons of respectable and independent property?—Yes. There is a gentleman sitting by me, (Mr. Hiron, surgeon,) whom I proposed.

Are you the eldest member of the Corporation?—Yes.

Have any of the gentlemen you proposed as Aldermen, or Assistant Burgesses, been elected?—No, I do not remember one.



Have the gentlemen you proposed been of the Castle party?—No, of the other party.

Were they what were called *Pink and Blue*?—Yes.

Supposing one or two of these gentlemen had been elected, would there not have been still a majority, in the Corporation, of the Castle party?—Yes, they always had the power of the majority, and they take care to keep it.

Do you believe, seriously, that the rejection of the gentlemen you proposed, was in consequence of their being of the *Pink and Blue* party?—I do most seriously.

Have the persons elected been of the other party?—Yes.

Has *The Castle Party* been the known designation of the one party in the town of Warwick?—Yes. I believe they are mostly called *The Orange Party*.

Has Sir Charles Greville always been a Tory?—Yes.

What were Mr. Mills's politics?—He was a more moderate man, but voted on both sides.

Has Mr. Tomes been in the habit of voting both ways?—No, generally consistent.

Was it at all known in the town of Warwick, that the individuals you proposed were rejected by the Corporation?—Yes.

What effect has the knowledge of that fact had?—It very much disgusted the respectable part of the inhabitants.

When you say that the respectable part of the inhabitants were disgusted by this, do you mean to say, that persons of the *Pink and Blue Party* were disgusted, or that the respectable part of the other inhabitants, without mentioning party, thought it wrong?—I dare say the other party thought they had done right.

Do you think the appointment of any person elected gave offence to the Town, independently of party consideration?—It was thought they were partial in the election of Aldermen, and did not act fairly upon the question. I think it time it was improved.

The COURT—I think so too.

Did any of the Members of the Corporation resign in consequence of the Election of new persons?—Yes, Mr. Edwards resigned; and I myself sat down to write my resignation, but my friends persuaded me not.



Whose appointment was it that disgusted Mr. Edwards, so that he retired?—I believe it was the appointment of Mr. Robert Tibbits.

Had he been an active political partisan?—Yes.

Had you really intended to resign?—Yes; I had written part of my declaration to withdraw, and my friends coming in at the time, requested me not to do it.

What were your reasons for resigning?—It was a matter of choice; and as they had appointed one man, and passed over the most respectable part of the inhabitants.

Was it your belief that they passed over many respectable and competent persons, in order to elect men who were of their own political feeling?—Yes; they have elected men to serve their purposes, politically and locally.

Although you have not witnessed, have you reason to believe that system has not been exercised down to the present time?—Not at all; I think it proper time it was stopped.

The COURT—The system, and not the exercise of it, is to be deprecated; and I have no doubt, should I have an opportunity of visiting you again, I should find the same system practising.

Have you not served the office of Mayor before?—Yes.

Did you publicly declare your intention of never serving again?—Yes.

Was that intention of yours known to the Court of Aldermen?—I believe it was; I declared it publicly in this Court.

On what occasion?—When it was discussed, before I was put in nomination.

Was it proposed by some of the Aldermen here?—It was, and I then declined, saying, I had served it once, and would not serve it again.

Were you put in nomination and elected?—Yes, and I did not accept, after I was elected, for some time. Two Deputations waited upon me, and requested me to accept, but I refused the first. The second came so strong upon me, that I could not refuse my friends.

Were these deputations, who wished to force the honour upon you, Members of the Corporation, or Inhabitants of the Town?—They were not Members of the Corporation.

Did they assign any reason why they were particularly anxious you should accept the office?—They, very likely, at the time, thought there would be an Election, and considered I should discharge my duties as well as the other man who would have been elected; they might have thought something of that kind.

Who was put in nomination with you?—

Mr. JAMES TIBBITS—Mr. ROBERT TIBBITS, and a large assembly, nearly 300 persons, collected to witness it, and could have heard Mr. COLLINS's declaration.

Mr. WILMSHURST—It happened before the Nomination.

The COURT—Was Robert Tibbits a member of the other political party?—Mr. COLLINS: Yes.

Has he been previously concerned in any of the elections?—I believe he has.

Have you long been a Magistrate of the Town?—I have.

It is hardly a fair question to ask you, but do you think the Inhabitants have confidence in the manner in which Justice is administered by the Magistrates in political cases?—I would rather any one else would answer that question; but in the first instance, Mr. KELYNGE GREENWAY is a very able and competent Magistrate, and always offered his assistance very willingly, and his advice.

All the senior Aldermen, Mr. Greenway, Mr. Wilmshurst, Mr. Tibbits, and Mr. Dodd, are Magistrates?—Yes.

Mr. G. GREENWAY—Mr. Dodd is the *quondam* Mayor, whose authority, as a Magistrate, expires on the 1st of November.

Examination continued.—Mr. Collins, Mr. Greenway, and Mr. Wilmshurst, are the Magistrates by seniority?—Yes.

Mr. COLLINS to Mr. GREENWAY—You found Mr. Dodd very tractable?—Mr. GREENWAY: I do not presume to deal with my masters in that way; I am their humble servant at all times.

The COURT resumed the examination of Mr. COLLINS.—Since the proceedings in the Court of King's Bench, have the number of Aldermen and Assistant Burgesses been filled up?—Yes.

Up to that time, was the Corporation regularly filled up?—No.



Must there be seven, or the Corporation would die a natural death?—Yes.

How have the numbers been?—According to the Statement of Mr. James Tibbits, there have never been less than ten; but I thought the number was as low as eight.

Mr. JAMES TIBBITS—The number was never less than ten.

Did you ever take any steps to fill up the proper number?—Yes, I attended several meetings called for that purpose, but it was consulted by the other party that there should be no meeting.

Did you attend yourself, when there were only seven attended?—Yes, only three of us attended.

Who were they?—Edwards, Mallory, and myself.

Were you all *Pinks and Blues*?—Yes, or *Blues* without *Pinks*. You, Mr. GREENWAY, were a *Blue* then.

Mr. GREENWAY—Mr. MILLS was a relative of mine, and my Brother and myself supported him.

Has he been the only *Blue* Candidate since you have been Receiver?—Yes; but in 1793 there was a Mr. KNIGHT, of Barrells; and since that time, in 1801, they were both Castle Members. MILLS came in, and one of them was turned out.

How near was he related to you?—He was first cousin to my mother.

Mr. COLLINS—Mr. GREENWAY, you remember the days of the *Blue Wig*. You used to wear it?—Yes.

Mr. COLLINS—You used to look very well in it.

The COURT—Did you wear *Blue Wigs* at that time?—Mr. GREENWAY: The *Wig* Mr. COLLINS alludes to, was one used at election dinners, and brought into the room at the Swan, and put upon the President's head first. I being President at that dinner, had it put upon my head first; it afterwards went round as the people sang, and the one who sang last wore it until another person was called upon to sing, and then the *Wig* was placed upon his head.

The COURT—Do you know the merry-makings of the other party now?—O, yes; I received an invitation, and dined with the MAYOR the other day, and a very pleasant evening I spent too—full of hilarity.

Perhaps there were no parties there?—O, yes, there was a number of political friends there.



Do you know whether this *Wig* is worn now, or not?—I have not been in the habit of attending these *Blue* meetings lately.

Perhaps you have not had an opportunity of wearing it lately?—No. (laughing.)

You sing to a different tune now, do you not?—Rather. If you mean my politics are changed, I say they are not. I always have been a Conservative, and so was Mr. Mills.

The COURT—I am not aware of the meaning of Conservative; it is a new term. We are all Conservatives.

Mr. COLLINS's examination was then resumed.

Had the Town Clerk used to attend these meetings, when only you three attended?—Yes. I frequently applied to Mr. TIBBITS, senior, the then Town Clerk, to make a minute of those who did, and those who did not attend.

Mr. TIBBITS—It was recorded, but I dare say it was not recorded in the book.

Mr. COLLINS—I frequently requested you to record those meetings, because I thought it would be wanted some day, as it was most disgraceful to the Corporation.

Mr. TIBBITS—I have no doubt it has been made a minute of on a slip of paper, which I have in my office; but as there was no meeting it was not recorded in a book.

Mr. JAMES TIBBITS—I have not seen it in any book which I received from my Father.

Mr. COLLINS—I have attended from ten to twenty times, at meetings called for this purpose, when I am convinced there has been no intention of meeting by the other party. I did expect there was a minute made in the book.

Mr. TIBBITS—I believe I can find them in my office; I have not delivered them over to Mr. James Tibbits.

Where are the books kept?—In the parlour, at the Court House.

Mr. JAMES TIBBITS—I have some times made memorandums on paper, when there has been no meeting which it is not usual to record.

Mr. TIBBITS—All the summonses were regularly attended to.

The COURT—I suppose, Mr. COLLINS, you do not intend to impeach the conduct of the Town Clerk?—Mr. COLLINS:

Not in the least. I do not, Mr. TIBBITS, charge you with any irregularity whatever.

Mr. TIBBITS—Every regulation of the Charter has been complied with.

Perhaps you do not think you are bound to enter into the book what is not considered a meeting?—Exactly.

Mr. COLLINS—I expected we should be one day or other called to account. I have often offended my brother Magistrates by asking them what their orders were, whether to come or stay away?

Mr. TIBBITS—I have always acted impartially and indifferently.

Mr. GREENWAY handed to the Court the extract from the Decree which he had previously read.

The COURT—I do not know what power they have, in case the Clergyman were contumacious, but they are to see he does his duty.

Mr. COLLINS's examination resumed.

I am desired to ask, that notwithstanding these elections of party men, whether since the proceedings of the Court of King's Bench, they have not been more observant in their conduct than previously?—I believe they have.

Have they not adhered to the Charter, and kept up the number?—Yes, and chosen the Mayors annually; the case has happened when they have not chosen Mayors for seven or eight years together.

Mr. TIBBITS—They have always been regularly summoned, but did not attend.

Mr. COLLINS—Mr. TIBBITS, was it not pretty well understood there was to be no meeting?—I do not know anything about it. In the cases of the Election-day of Mayor, it was always recorded if there were no meeting, and then the old Mayor continued.

The COURT—Mr. TIBBITS, I suppose you and your brother Magistrates, Mr. Greenway, and Mr. Wilmshurst, were elected Aldermen in 1826?—No; Mr. Greenway was elected in 1818, and Mr. Wilmshurst in 1822.

The COURT—Since, Mr. COLLINS, has there been a decided and positive attention paid to the politics of the Corporation?—Yes.



Do you think, that before 1826 that principle was acted upon?—Yes.

Was it before 1826 that they attained a majority in politics?—Always; it has always been a matter of notorious notoriety.

How came you to be elected?—I was applied to by Mr. Mills, and Mr. Cattell, who was then an Alderman.

Was Mr. Cattell a relation to Mr. Mills?—Mr. GREENWAY: No, because he was a relation of my father's.

Mr. JAMES TIBBITS—I find by this book, that at the time Mr. Wilmshurst continued Mayor for three years, he regularly attended on the Charter-day; and the other Aldermen who attended for the first year after he had served one year, were Mr. Collins and Dr. Wake; and on the third Charter-day, Mr. Edwards and Mr. Collins. Mr. Smyth held the office for several years; and at the expiration of the first year, the persons who attended to elect a new one, were John Bohun Smyth, John Edwards, and Abm. Blick; and it appears Mr. Smyth offered to go to the Shire Hall, but they declined. On the next year, 1813, Mr. Smyth, Mr. Mallory, Mr. Collins, and Mr. Blick. In 1814, Mr. Smyth, Mr. Mallory, Mr. Edwards, Mr. Collins, and Mr. Blick. In 1815, Mr. Smyth, Mr. Edwards, Mr. Mallory, Mr. Collins, and Mr. Blick. In 1816, Mr. Smyth, Mr. Mallory, Mr. Collins, and Mr. Blick. In 1817, Mr. Smyth, Mr. Mallory, Mr. Collins, and Mr. Blick. In 1818, Mr. Smyth, Mr. Mallory, Mr. Edwards, Mr. Collins, and Mr. Blick. In the following year, Colonel Steward was elected.

How long had Mr. Smyth been Mayor when he died?—He was in the seventh year of his Mayoralty.

Mr. COLLINS—I think it was his eighth year?—Mr. Mr. J. TIBBITS: He was elected on 30th September, 1811, and continued in office until May, 1819.

I need hardly ask you, Mr. COLLINS, what Mr. Smyth's politics were?—No, he supported the Castle.

What was he?—He was a solicitor.

Mr. GREENWAY—Mr. Smyth was not a Castle supporter.

Mr. H. SMYTH—My father never voted at all; and how do you know (addressing himself to Mr. COLLINS,) he supported the Castle?—Mr. COLLINS: I supposed so,



Mr. SMYTH—You suppose! Your evidence is all—I suppose, and I believe; it stands for nothing—Why do you not give your evidence fairly, like a man, that all may know what you mean.

The COURT—Mr. SMYTH, you shall have an opportunity of examining Mr. COLLINS hereafter.

Mr. TIBBITS, senior—There was not a more independent man in Warwick, or in the county, than Mr. SMYTH; he was a man who would not be biassed by either party.

Mr. COLLINS—He was a highly respectable man, and a man of strict integrity. I wish I could say the same of his Son, who sits there.

Mr. SMYTH—COLLINS, you are too great a blackguard for me to speak to.

Mr. COLLINS—I have once threatened to pull your nose, and horsewhip you, and I must do it again. I shall require an explanation of that word ‘blackguard,’ in another place.

Mr. SMYTH—I shall be very glad to give you the opportunity any time, if you have courage to avail yourself of it.

Mr. COLLINS—Mr. COMMISSIONER, if you attend to that blackguard (meaning Mr. H. Smyth,) I shall not.

The COURT—I beg you will be silent.—Mr. SMYTH: Sir, I cannot sit here and have my character attacked in that blackguard way.

The examination of Mr. COLLINS proceeded.

Have there been any other persons who have served the office for more than a year?—No, I believe not; I think Mr. Wade and Dr. Wake did.

Mr. JAMES TIBBITS—I think Dr. Wake served it for two years.

Is Mr. BURBURY in any business?—Yes, he is a solicitor.

What is Mr. WARD?—He is a grocer and chandler.

Do you know, whether, at the time of Mr. Ward’s election, any other Aldermen were in business as retail shop-keepers?—Yes, several.

Mr. J. TIBBITS delivered in a list of the Corporation in 1825. It then consisted of the Reverend Mr. Cattell; Sir Charles Greville; Kelynge Greenway, banker; Dr. Wake, physician; S. E. Steward; Thomas Collins, Edward Hughes, John Edwards, retired from trade; Thomas Woods Weston,

a banker; George Boswell, a county Magistrate; John Wilmshurst a surgeon; and two vacancies, occasioned by the deaths of Mr. Wade and Mr. Blick.

Mr. G. GREENWAY—Mr. Blick was in the American war, and settled in Warwick, where he farmed some land.

Then in fact, were you, Mr. COLLINS, in 1826, the only person in trade?—Yes; several of them were in trade when they were elected. I was not in the retail trade.

Since that time, there has been a greater infusion of persons in trade, and fewer Surgeons and Doctors?—Yes. In 1799 they were mostly gentlemen retired from trade.

Mr. JAMES TIBBITS—I find, in 1799, tradesmen elected; afterwards excluded; and again elected.

Was there any offence taken by any of the Corporation who were not in trade, at the election of tradesmen?—I believe not.

Mr. JAMES TIBBITS—Sir Charles Greville, and Mr. Weston, retired in consequence of not residing here, having been served with notices. Mr. Edwards was not served, but he afterwards resigned. Colonel Steward, Dr. Wake, and Mr. Cattell, retired about the same time.

Do you know of Mr. GREENWAY having conversed with any of the Corporation on the subject of the Election of Members?—No, I was not on those terms with Mr. Greenway.

Do you know of your own knowledge?—No, I was not privy to it. Mr. Greenway never called upon me upon the subject of electing such a man.

The COURT asked Mr. GREENWAY if he wished to ask Mr. COLLINS any question?

Mr. GREENWAY—I wish to make one observation, as to the disgust and excitement, which is said by *The Pink and Blue Party*, to have been felt in consequence of many persons being passed over, whose elegance and taste would have been beneficial to the Corporate Body. I much wish to draw the attention of the COURT to the state of the celebrity and fame of the Town of Warwick, not only in this county, and throughout England, but over the Continent, for its barbarous exhibitions of Lion Fights and Pugilistic Encountres. We are indebted to the *Pinks and the Blues* for



the introduction of this good taste. A Lion Fight took place upon the premises of Mr. Tomes, his Son, or Mr. Hiorns; and when the Magistrates of the Borough tried to stop a pugilistic encounter which was going to take place on the Race Course, the Combatants were removed to the grounds of the very same *Pink and Blue* Magistrate, Mr. Edwards, and it was fought on his own premises, under his own windows, adjoining the Borough of which he was a Magistrate; and the Gentleman who was so very fastidious at seeing many of his own side passed over. This is only to give you an idea of the very respectable persons passed over, and Mr. Tibbits is there, so that you may form your opinion of the persons who were elected, as being so very unfit to be elected in the room of these gentlemanly men, of whom I leave you to form your own opinion.

The COURT—I may have my own opinion about Lion-fights and pugilistic encounters. If you wish to have the fact that when a pugilistic encounter was about to take place the Magistrates interfered and it was removed by some one to an adjoining parish, I will make a note of it.

Mr. GREENWAY—I wish it to be done so.

Mr. COLLINS—At the time the fight took place, Mr. Edwards was with me at Cheltenham, and was not then a Magistrate.

Mr. JAMES TIBBITS—Mr. Edwards was then a Magistrate.

The COURT—It is very clear there did a prize-fight take place, and some one or other removed it. But who it is is very irrelevant.

Mr. GREENWAY—I dare say the Gentleman by the pillar (Mr. W. Collins,) can tell you who did.

Mr. W. COLLINS—I am very ready to state my opinion of the Lion-fight and the Magistrates, and of the degraded state of the Corporation, and their political party-tools who have been chosen, and how they have been made use of.

Mr. C. LAMB—I saw you there, Mr. Greenway.

Mr. GREENWAY—On Mr. Edwards's land?—No, on the Race Course.

Mr. GREENWAY—I only wish you to see who these gentlemen are who have been passed over, and the refined taste rejected.



The COURT—It is quite clear the fight was going to take place on the Race Course, but the Magistrates objecting, it was taken to Mr. Edwards's, a Magistrate of the Borough. Now let us go to something more worthy of notice.

Mr. GREENWAY—Mr. COLLINS has stated, he did not resign in consequence of the first Deputation waiting upon him, and that Mr. Edwards contemplated a resignation with him, but that he did not resign as his friends again interposed. I wish to ask, whether his friend was not his own Son?—It was.

Mr. W. COLLINS—I did request him.

The COURT—I understood Mr. Collins, when he said his friends, to mean his own family.

Mr. COLLINS—My friends on each side of me, (Mr. C. Lamb, and Mr. T. Hiron,) wished me not to send it in. There were other friends.

Mr. GREENWAY—Name, name!

Mr. HEATH—Is it requisite?

Mr. COLLINS—I think not; my friend Sanders was also one.

Mr. TIBBITS wished to put one question—Whether any person can say that the Mayor and Magistrates have not on all occasions done their duties fairly and impartially? Whether they can adduce one instance to the contrary?

Mr. HEATH—Yes.

Mr. W. COLLINS—If Mr. Tibbits will put that question to me I will answer it.

Mr. TIBBITS—I put it to no one in particular; I put it to any one who can answer it.

Mr. W. COLLINS—Then, in consequence of what Mr. Tibbits has said, I will give evidence.

Mr. JAMES TIBBITS—I wish to put one question to Mr. Collins. You stated, at the time Mr. Robert Tibbits was elected an Alderman, Mr. Edwards, and many respectable persons of the Town, were disgusted with the appointment, inasmuch as many more respectable inhabitants were passed over, whether their disgust did not arise, (if any did arise,) more from the introduction of a third member of our family into the Corporation?—In part it did; I do not mean to say there are more respectable, but senior and older inhabitants.

The COURT—I did not understand Mr. Collins to say any thing with regard to the respectability.

Mr. COLLINS—I did not reflect any discredit upon your family. He is highly respectable.

Mr. JAMES TIBBITS—I did not think you did it intentionally.

Mr. TIBBITS—More respectable, was the observation.

Mr. Alderman R. TIBBITS—I beg to say, in justification of myself, I will never suffer prejudice or partiality to sway my opinion in the discharge of any duties that may fall upon me, either as an Alderman, or in my professional character as a solicitor.

Mr. COLLINS—I did not impeach your character in any respect.

Mr. R. TIBBITS—I will at all times endeavour to tread the path of honour and honesty, in the discharge of my duties. Mr. Collins stated, and believed what he stated, that I was professionally engaged for a Candidate, when put in nomination with him to serve the office of Mayor; I beg to say I was not engaged professionally, or for any particular purpose, when I was put in nomination. At the Election of 1831, I had been a professional agent of one of the Candidates, and was in 1831.

The COURT—Were you elected an Alderman in November, 1830?—Yes.

Then at the election in which you were engaged professionally, was in the spring of 1831?—Yes; I was put in nomination in September, 1832, when there was no election going on, and I thought Mr. Collins inferred I was a political partisan.

The COURT—Mr. GREENWAY, are you the only Officer?—Yes.

Were you appointed in 1825?—Yes, in May, 1825.

I think you said you were employed as Country Agent for Lord Warwick?—Yes, I have been employed, and so have other persons. I am now employed by his Lordship; and was so in 1824.

Mr. GREENWAY—I wish to ask Mr. COLLINS whether, in 1831, he himself was not a very active partisan for *The Pink and Blue Party*, and whether he did not place his back



against a door, so as to render it somewhat difficult for *The Orange Party* to get access?—I believe I was active. I recollect I was at a door, and I pulled that great beggar back, (pointing to Mr. H. Smyth.) I do not remember putting my back against a door, and pushing *The Orange Men* away.

The COURT—A what?—

Mr. H. SMYTH—Mr. COMMISSIONER, you must not notice that; it is his usual way of expressing himself. You cannot restrain him.

A man of the name of Cox here observed, he was present, and saw *The Orange Party* break a door open, and get the lead. Mr. Greaves, the banker, was leading them on.

Mr. GREENWAY—Perhaps you saw Mr. Collins?—I did not.

Mr. GREENWAY—I only wish to know of Mr. Collins, whether Mr. Mallory and Mr. Morris were not both of them strong partisans of *The Pink and Blue Party*, when elected?—Yes, but I believe they were elected merely to put a colour upon the thing.

Mr. GREENWAY—That is his belief, and not a fact.

Mr. COLLINS—The Town cried shame, and that was the reason they did it.

Had *The Orange Party* still a preponderance?—Yes.

Were there any other Aldermen elected who were of that party?

Mr. JAMES TIBBITS—Mr. Blenkinsop was elected but did not accept. Mr. Burbury was also of that party.

The COURT—I have no doubt the Corporation of Warwick have been a Corporation who have preserved a preponderance of one political party.

Mr. COLLINS—I believe that cannot be denied.

Mr. WILMSHURST—I believe, if the opposite party had the same power they would keep it; they would be great blockheads if they did not.

The COURT—I have no doubt of that. Nothing shews more clearly the working of the plan, than Mr. Wilmshurst, an Alderman, saying they would be great blockheads if they did not.



The COURT—Where did Mr. Winn reside, Mr. GREENWAY?—His domicile residence was in the neighbourhood of London.

Was he a Gentleman of private fortune?—Yes. There is a Mr. Ladbroke, who was a Candidate here before, and they say he is to be a Candidate again. He is in Warwick now.

Mr. Alderman MALLORY—He is not the same man; he is his Son.

The COURT—I remember passing through this Town, when I heard of another Gentleman, from London, canvassing the Town.

Mr. GREENWAY—O yes, a Gentleman of your profession, Mr. Serjeant GOULBURN.

Do you know whether Mr. Winn, previously to offering himself, had had any application made to him by the Electors?—I know nothing of my own knowledge; and as a lawyer I cannot speak to any thing but my own knowledge.

Were you the channel of communication?—I was not.

Though both of us are lawyers, and it is not strictly evidence, still, do you believe the Corporation brought him here?—I do not.

Do you believe, if the Corporation had brought him here, you would have known of it?—I think I must. The Corporation, I say again, as a Corporate Body, never interested themselves in any way. They have individually.

The COURT—You attribute to chance what is due to foresight. It has so happened wherever I have been, and I doubt not it will where I have to go.

Was he brought in at the instance of the Castle?—No, I should say he was brought here at my own instance. I suggested him, but did not write to him.

Did you communicate with any gentlemen who are Members of the Corporation?—I did not.

Did you communicate with Lord Warwick?—I need not answer that question.

Was he the same Member who was Candidate for the Borough of Stafford?—No. He was afterwards Member for Maldon, in Essex.

## The Reverend JOHN BOUDIER,

SWORN AND EXAMINED.

**Q.** Are you the Vicar of Saint Mary?—**A.** I am.

Had you a Chancery Suit with the Corporation, as to your right of appointing the Assistant Minister?—I had.

In the progress of that, did you obtain an order for the inspection of the Corporation Books?—I did.

Did you inspect them?—I did.

In the course of that inspection, did you find any entries from which you could infer, that in former times the Assistant Burgesses were present at any meeting of the Council of the Court of Aldermen?—I do not know that I can answer that question very distinctly. I have no recollection of the entry of any thing referring to that in the books. I am confident the Corporation can only wish to put every thing into your hands. The book is here, and Mr. Greenway can tell you better than I can.

**Mr. GREENWAY**—I do not wish to conceal any thing; all our documents are open to you.

**Mr. BOUDIER**—I have not the slightest hesitation to give a direct answer to any questions you may put to me.

**The COURT**—If you ask me, I can only say they are questions which ought to be answered.

Examination of **Mr. BOUDIER** continued.

What was the ground of those entries?—I recollect one or two instances, where, after a Corporate Council has been called, the Assistant Burgesses are entered as having been called in to assist, or in other words to have assented.

Have you kept copies of these entries?—No.

**Mr. TIBBITS**—Those entries are in the books.—The Court wished him not to interfere during the examination.

**Mr. BOUDIER**—I have memorandums, but not such as would be of any use. I believe I have some referring to their duties, but not to what particular acts. I beg to explain myself. In this inspection I had one particular object in view, which was in reference to my own question, and therefore the examination was touching that particular question only.



These entries you speak of may have been relating to ecclesiastical duties?—Yes, that was my object.

Do you recollect whether they were in *The Black Book*?—I cannot recollect, but I expect in *The Black Book*. I think the date of it was 1630, or 1631, and was an entry in reference to the Corporation respecting the Easter Offerings.

The COURT—If you meet with any of these entries, Mr. GREENWAY?—I will let you know.

Mr. JAMES TIBBITS—In the Book of Appointments, it appears that the Mayor, Aldermen, and Burgesses, presented to the Vicarage of Budbrooke, in 1766.

The COURT—Is not that the title of the Corporation?—It is.

Mr. JAMES TIBBITS—The opinion of Chief Justice Tindal was once taken with respect to the Assistant Burgesses. His Lordship was of opinion they were liable to be called upon by the Mayor, to assist in advice, when required, but not otherwise—That they had no power over the Trusts vested in them by the Charters of Philip and Mary, and King Henry 8th—Nor in the disposal of the Funds—and that the Mayor and Aldermen could do business without them.

Mr. GREENWAY found an entry, in page 75 of *The Black Book*, being a minute of the appointment of Bailiff, and also of a Clerk to the Market. It was dated 1st of November, 1573. It evinced the wish of the Chief Magistrate to appoint twenty-four of the most discreet men of the Borough, who were ready to serve its interests, to assist the Bailiff and Principal Burgesses. The objection of Mr. Fisher to appoint more than twelve; the request of the Commoners to appoint twenty-four; of the same refusing the appointment of twenty-four, but appointing twelve Burgesses to be called Assistants, who were to assist the Bailiff and Principal Burgesses, in election of Burgesses to serve in Parliament, and in the election of Bailiff; but in all other cases they should have no voices, either affirmative or negative. It was signed ROBERT SHELDON, JOHN GREEN, and OLIVER BROOKS.—Mr. GREENWAY also read to the COURT another entry respecting the Assistant Burgesses; with Sir William



Jones's opinion, that they had no power to act, the Bailiff and Burgesses being the Council.

The COURT wished to have from page 74 to 82, in *The Black Book*, transcribed, which Mr. GREENWAY promised to do.

Mr. JAMES TIBBITS called the attention of the COURT to an entry where mention was made of the Assistant Burgesses.

The COURT—Were the Assistant Burgesses filled up without the Mandamus?—Mr. J. TIBBITS, Yes.

The COURT—Was the house inhabited by you, Mr. BOUDIER, the Deanery?—The house the Vicar originally occupied was by the Church, and exchanged for the Deanery. The house was occupied by the Dean, and the Free School was the house of the Canons.

I suppose it is part of Henry the 8th's Estates?—Yes.

Is this Appointment Book, Mr. TIBBITS, the only Order Book of the Corporation?—It is.

Is Mr. KENDAL Vicar of Budbrooke?—Yes.

Mr. H. L. SMITH, (Mr. Haynes's clerk,) then presented the following Affidavits of Morris and others, to the COURT respecting the evidence of Mr. WILMSHURST.—(See page 79)  
—They were read by the COMMISSIONER.

(AFFIDAVIT 1st.)

“ JOHN MORRIS, of the Borough of Warwick, yeoman, maketh oath, and saith, that he was a private in the 24th Regiment of Infantry, and was discharged about May, 1802, in consequence of his having lost his left eye, and the sight of the other being much impaired. That he went, in company with John Woolison, of the Borough of Warwick, plumber and glazier, to John Wilmshurst, of Warwick aforesaid, Military Surgeon, to be examined, in pursuance of an order sent down by the Board of the Military Hospital of Chelsea. And this deponent further saith, that after the said John Wilmshurst had examined his eyes, he, the said John Wilmshurst, told deponent he had entirely lost one of his eyes, and the sight of the other was much injured. And this deponent further saith, that he never went to or saw the said John Wilmshurst more than once on the subject of his eyes, and then in the com-

pany of the said John Woolison. That he never requested the said John Wilmshurst to return him as being quite blind, or to that effect. And this deponent further saith, that he did not know what certificate he, the said John Wilmshurst, had returned; and that the statement made by the said John Wilmshurst to the Corporation Commissioners, that this deponent asked him to return him quite blind, is untrue.

JOHN MORRIS."

" Sworn at the Borough of Warwick, this 23rd day of  
October, 1833, before me,  
THOS. COLLINS, Mayor."

(AFFIDAVIT 2nd.)

" JOHN WOOLISON, of the Borough of Warwick, plumber and glazier, maketh oath and saith, that he was a private in the 24th Regiment of Infantry, and was discharged about October, 1802, on account of his having lost the sight of his left eye. And this deponent further saith, that about nine or ten years ago, in pursuance of an order from the Board of the Military Hospital at Chelsea, he waited upon John Wilmshurst, a military surgeon, of Warwick, and was examined by him as to his blindness. And this deponent further saith, that John Morris, of Warwick, yeoman, was also examined at the same time in this deponent's presence; and that he, the said John Morris, did not request the said John Wilmshurst to return him as being entirely blind, or this deponent must have heard it; and that no conversation of that sort then took place between the said John Morris and the said John Wilmshurst.

JOHN WOOLISON."

" Sworn at the Borough of Warwick aforesaid this 23rd  
day of October, 1833, before me,  
THOS. COLLINS, Mayor."

(AFFIDAVIT 3rd.)

" WILLIAM SUTTON, of the Borough of Warwick, yeoman, maketh oath and saith, that Isaac Harris, late of the Borough of Warwick aforesaid, deceased, was a private in the same regiment as John Morris and John Woolison; and that the said Isaac Harris lodged with this deponent up to the time of his death. That the said Isaac Harris was



totally blind the whole of the time he lodged with this deponent, which was about fourteen years. And this deponent further saith, that the said Isaac Harris was examined by John Wilmshurst as to his blindness, in pursuance of an order sent from the Board of the Military Hospital at Chelsea for that purpose; and that the said John Wilmshurst returned him as having a little sight. And this deponent further saith, that the said Isaac Harris told the said John Wilmshurst that he was quite blind, and begged him to return him as such, and went to him several times afterwards for that purpose; but the said John Wilmshurst refused to return him as being quite blind. And this deponent further saith, that the said Isaac Harris went to the Military Surgeon at Coventry, and was examined by him, who returned him, the said Isaac Harris, as being quite blind, and he, the said Isaac Harris, shortly afterwards had an increase of pay.

The Mark ✕ of WILLIAM SUTTON."

" Sworn at the Borough of Warwick aforesaid, this 23rd day of October, 1833, before me,

THOS. COLLINS, Mayor."

Mr. Haynes's clerk told Mr. GREENWAY,—Mr. WILMSHURST was present when he came in, but as that Gentleman had left the Court before these Affidavits had been given to the COMMISSIONER, he could not have known their contents.

The COURT—Mr. Morris, this has nothing to do with what I am here to inquire into; but as something took place the other day, I think it proper to read the Affidavits you have handed in.

MORRIS—I thought proper to bring them in, as my character has been impeached. Many Gentlemen have known me for thirty years, and know nothing amiss of me.

The COURT, after reading the Affidavits, audibly, observed, that Mr. WILMSHURST must have been mistaken. He might easily have mistaken Morris for Harris, who had wanted him to do what he said Morris had done. Your character, Mr. Morris, stands quite free from the reproach which may have been attached to it from what passed the other day.

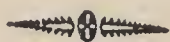


MORRIS—As I saw what passed the other day was inserted in the Newspaper, I think it but just that this contradiction should go in.

The COURT—I have no doubt both statements will be inserted. Were I an Editor of a Newspaper, I would insert it; but I have nothing to do with them. Your character stands quite free from reproach.

Mr. GREENWAY promised to forward to the COMMISSIONER the papers he had required of him.

No other person, on inquiry being made, coming forward to give evidence, the Learned COMMISSIONER finally closed the Court soon after four o'clock.



(OMITTED.)

The following paragraph, having been mislaid amongst other copy, was not inserted in its proper place. It should have stood first in the proceedings of Wednesday.—See page 80:—

Mr. G. C. GREENWAY first gave to the COMMISSIONER a Statement of the Funds of Sir Thomas White's Charity. By this document it appeared there were now 112 outstanding Loans of £100 each, ten of which had been advanced since the last account; 16 outstanding at £50, three of which had been granted in the year 1771; and the balance in his hands up to the 7th of October, 1833, was £1,654, 8s, 11½d. This made the total amount of the funds of this Charity £12,800, 19s. 8d, after deducting £353 received on account of some of these bonds, and £500 for ten of the £50 loans, which is supposed to be irrecoverable.

END OF THE EVIDENCE.



### THE OATH.

“ You shall true Answer make to all such Questions as shall be put to you by Virtue of his Majesty's Commission for inquiring into the present State of the Municipal Corporations in England and Wales.

So HELP You GOD.”

*WARWICK, 11th Day of October, 1833.*

RETURN (to the COMMISSIONERS,) of the NAMES, PROFESSIONS or TRADE, present AGE, RESIDENCE and DATE of ELECTION, of Mayor, Recorder, Deputy Recorder, Town Clerk, Aldermen acting Magistrates, and other Aldermen of the BOROUGH of WARWICK.

<i>Names.</i>	<i>Profession or Trade, &amp;c.</i>	<i>Residence.</i>	<i>Present Age.</i>	<i>When elected.</i>
MAYOR . . . . . Thomas Collins . . . . .	gentleman .	Warwick . . . . .	69	29th Sept. 1832
RECORDER . . . . . The Right Honorable Henry Richard Earl Brooke & Earl of Warwick . . . . .	. . . . .	Warwick Castle	54	6th Nov. 1816
DEPUTY RECORDER .. Henry Hugh Holbech, Esq.	barrister ..	Alveston, Warwickshire	50	1817.
TOWN CLERK . . . . . James Tibbits . . . . .	attor-at-law	Warwick . . . . .	28	7th May, 1827.
ALDERMEN acting Magistrates {	gentleman .	Warwick . . . . .	69	11th Jan. 1830
	esquire . . . . .	Warwick . . . . .	60	7th Feb. 1831
	surgeon ..	Warwick . . . . .	50	30th June, 1831
	mealman ..	Warwick . . . . .	35	29th Sept. 1831

ALDERMEN . . . . .	said Thomas Collins . . . . .	gentleman . . . . .	Warwick . . . . .	69	7th June, 1805.
	said Kelynge Greenway . . . . .	esquire . . . . .	Warwick . . . . .	60	11th Nov. 1818.
	said John Wilmshurst . . . . .	surgeon . . . . .	Warwick . . . . .	50	31st Oct. 1822.
	William Tibbits . . . . .	gentleman . . . . .	Warwick . . . . .	70	12th April, 1827.
	Daniel Winter Burbury . . . . .	gentleman . . . . .	Warwick . . . . .	50	Same date.
	Joseph Ward . . . . .	gentleman . . . . .	Warwick . . . . .	54	Same date.
	Thomas Jones . . . . .	draper . . . . .	Warwick . . . . .	46	17th May, 1827.
	Edward Dodd . . . . .	mealman . . . . .	Warwick . . . . .	35	31st Dec. 1829.
	Robert Tibbits . . . . .	attorney . . . . .	Warwick . . . . .	37	6th Nov. 1830.
	John Morris . . . . .	builder . . . . .	Warwick . . . . .	65	19th Febr. 1831.
	Daniel Mallory . . . . .	gentleman . . . . .	Warwick . . . . .	59	same date.
	Joseph Phillips . . . . .	plumber . . . . .	Warwick . . . . .	60	28th Mar. 1831.
	Henry Smyth . . . . .	attorney . . . . .	Warwick . . . . .	26	14th May, 1831.
ASSISTANT BURGESSES	William Oram . . . . .	gentleman . . . . .	Warwick . . . . .	55	12th. Apr. 1827.
	Richard Freeman . . . . .	draper . . . . .	Warwick . . . . .	51	same date.
	James Banner . . . . .	gentleman . . . . .	Warwick . . . . .	70	same date.
	John Benbow . . . . .	ironmonger . . . . .	Warwick . . . . .	60	same date.
	George Stowe . . . . .	maltster . . . . .	Warwick . . . . .	45	same date.
	John Margetts . . . . .	auctioneer . . . . .	Warwick . . . . .	62	same date.
	James Rose . . . . .	vet. surgeon . . . . .	Warwick . . . . .	50	same date.
	Robert Dilworth . . . . .	schoolmastr . . . . .	Warwick . . . . .	60	15th Aug. 1827.
	Thomas Edwards . . . . .	boot maker . . . . .	Warwick . . . . .	55	29th Jan. 1829.
	James Williams . . . . .	maltster . . . . .	Warwick . . . . .	65	11th Dec. 1830.
	Samuel Roberts . . . . .	druggist . . . . .	Warwick . . . . .	50	14th May, 1831.
	William Eyres . . . . .	brazier . . . . .	Warwick . . . . .	38	29th Oct. 1831.





## APPENDIX.



The subsequent Letter, referred to by the Court in Morris's examination, page 65, is copied from the *Warwick Advertiser*, of October 5th, 1833:—

*“To the Trustees appointed for the application of the profits of certain lands bequeathed by the late Fulk Weale, Woollen Draper, for the benefit of two young men, natives of Warwick, and educated according to certain conditions stated in the Will of the said Fulk Weale, or in the default of such, for the benefit of young men who, not being natives of Warwick, yet have received their education in the Free School at Warwick, according to the aforesaid conditions.*

GENTLEMEN,—I beg most respectfully to state, for your consideration, that my son, Henry Morris, was born at Warwick, on the 23rd day of December, 1809;—That after the expiration of the Christmas holidays in 1819, and upon the first meeting of the School in 1820, my son, being then ten years old, was placed by me in the Free School at Warwick;—That I, at the time, expressed to the Reverend Mr. Innes, Master of the Free School, my intention of sending my son to the University of Oxford, and giving him the benefit of Mr. Fulk Weale's bequest for his support therein;—That Mr. Innes expressly told me of the absolute necessity there was for my son to attend the duties of the School regularly;—That I promised such regular attendance on the part of my son;—That from the first entrance of my son into the school to this present hour, his attendance has been completely regular;—That no complaint has ever been made to me, by Mr. Innes, of idleness or disobedience in my son;—That Mr. Innes has more than once told me that my son was the senior boy;—That under the foregoing circumstances, I felt myself encouraged to persevere in my intention of sending my son to the University;—That I had every

possible reason to look for the concurrence and aid of Mr. Innes in procuring for my son an appointment to one of Mr. Weale's Exhibitions when he should, in conformity to the Will of Mr. Fulk Weale, have completed his seventeenth year, and should also have received his education at Warwick Free School, in the manner, and according to the terms prescribed in the aforesaid Will;—That, within the course of the last half year, I, to my great surprise, and great sorrow, found that it was in contemplation to bestow the two Exhibitions upon two other Candidates, whose success would entirely exclude my son from his reasonable, and, under the Will of Mr. Fulk Weale, his legal claims;—That I waited upon Mr. Innes to expostulate with him;—That, upon my asking Mr. Innes whether my boy had gone on well, he answered, very well;—That, upon my further asking him what was the state of my son as to the exhibitions, he, in direct contradiction to what had passed between us before, told me that my son stood no chance of having one, because the two exhibitions, one of which was vacant, and the other on the point of being so, had been promised;—That I have, by inquiry, found out that the persons, to whom such promises were given, are Richard Pritchard, of Stratford-upon-Avon, and Theodore John Cartwright, of Preston Bagot;—And, that, on behalf of my son, I do hereby protest against the election of either of those candidates to the prejudice of my son;—first, because neither Richard Pritchard, nor Theodore John Cartwright is a native of Warwick;—secondly, because neither the one nor the other has received his education at Warwick Free School, in the manner, or according to the conditions prescribed in the Will of Mr. Fulk Weale; namely, that “ he be bred up in the Free School at Warwick, till he arrive at the age of seventeen years;”—Thirdly, because my son is a native of Warwick, has hitherto been “ bred up in the Free School at Warwick,” and will continue to be so “ bred up till he shall have arrived at the age of seventeen years;”—fourthly, because neither Pritchard nor Cartwright ever performed one duty of a scholar in the said Free School before the present year 1822;—And fifthly, because their attendance has been very rare and at broken intervals, they not being



resident at Warwick, but coming over sometimes once a week, sometimes twice a week, and sometimes not even once, from their respective homes;—That Richard Pritchard, as I find upon examining the parochial register of Stratford-upon-Avon, was baptised April 28th, 1806, and was consequently in his seventeenth year when he first entered the Free School at Warwick;—That Theodore John Cartwright was, as appears by the parochial register of Preston Bagot, baptised on the 28th of July, 1806, and is, consequently, in his seventeenth year;—That, with all due deference to the opinion of Mr. Innes, the learned Master of the Free School, I look upon him as having no right whatsoever to recommend to the Trustees any boy, who, like Pritchard or Cartwright, is destitute of the qualifications clearly required by the benevolent Founder of the Exhibitions;—And, finally, that I do, very dutifully, intreat the Trustees to take into their impartial and serious consideration, all the above mentioned particulars, and compare them, not only with the spirit. but the very words, of that Will under which they are Trustees.

I am, Gentlemen,

Most respectfully and dutifully,

Your very obedient and humble Servant,

JOHN MORRIS.

*Warwick, Oct. 1, 1822."*

The Affidavits of *Morris, Woolison, and Sutton*, given in page 102, &c. were inserted in the *Warwick Advertiser* of October 26; and succeeded by the following Letter addressed to the Editor by Mr. WILMSHUSRT:—

"High Street, Warwick. October 24th, 1833.

Sir,—In Court yesterday, I heard that Morris had Affidavits to present to the Court—to what or to whom these Affidavits related, I had no means of knowing.

I left about Four o'clock, and in half an hour was informed, to my great surprise, that these Affidavits related to me,—being, in fact, to exonerate Morris from a charge I had made.—Now, Sir, I will give you a plain statement of facts.

Some years ago, I received an order from the War Office, as Surgeon of the Warwick Militia, to examine and report on the state of the Pensioners who were blind, or had impaired sight. Amongst others, Morris was examined by me. I certified him to be totally blind of one eye, and vision much impaired in the other;—he then asked me to certify that he was totally blind, for the purpose of getting an increase of Pension, which I of course refused;—he came to me again, and was very importunate;—amongst other reasons, he said, *his Son was a great expense to him, and if I would give him the Certificate, he should get an increase of Pension, which would be a great help to him.* He could not induce me to do what he wished, and I parted from him. Now, I understand that two Affidavits go to shew that a man of the name of Harris made the same application to me for this Certificate and that I must have made a mistake in the name;—the preceding statement will prove that not to be the case—but I will give you the history of Harris.

About the year 1826 or 27, Isaac Harris, a Pensioner, becoming quite blind, applied to me to certify accordingly, which I did—he then said, he thought if I would draw up a statement of his case, and forward it to the proper quarter, it would have more effect than his own application; I did as he wished, and had the great pleasure and satisfaction of getting the poor man's Pension increased, and for which he was always grateful—thus you see, from the separate applications, the cases of *Morris* and *Harris* have no connection whatever, and therefore there could be no *mistake*.

Yours, &c. J. WILMSHURST."



'The same Paper of November 2nd, contains another Letter from Morris, accompanied by the four Affidavits, given below:—

Sir,—As I consider that the Letter addressed to you by Mr. Wilmshurst, and inserted in your last Paper, demands a further explanation from me, in order that the impression which it is the avowed intention of Mr. Wilmshurst to make upon the public mind against me may be effectually removed,



I have the satisfaction of stating, that several voluntary witnesses (whose testimony is unimpeachable) have come forward on my behalf. The following additional Affidavits have been made, and I shall feel much obliged by your insertion of them in your next Paper. I trust they will convince my friends, at least, if not my enemies, that Mr. Wilmshurst has, either intentionally or unintentionally, most seriously wronged me. If the injury has been *unintentional*, he will feel it his duty, as a man, to make me the only reparation in his power, by an immediate and candid confession of his egregious error. My character is as valuable as his.

I am, Sir, Your obedient Servant,

JOHN MORRIS."

(AFFIDAVIT 1st.)

" WILLIAM MANTON, of the Borough of Warwick, yeoman, maketh oath and saith—that he was a serjeant in the same regiment with Isaac Harris, John Morris, William Sutton, and John Woolison—that Isaac Harris, John Morris, and this deponent, were examined by the Board at Malta, and ordered home immediately after Christmas, 1801—that when they arrived at Portsmouth, he had the charge of seventy two men, who returned home in consequence of their being partly or totally blind, and conducted them in waggons to the hospital at Chelsea—that the said Isaac Harris was at that time totally blind, and he and the said John Morris had a pension of one shilling a day, which about two years afterwards was increased to fifteen-pence a day—that about the year 1825, or 1826, a further increase was ordered to all those who were totally blind, but not to those who had a little sight—that he is quite sure Isaac Harris was quite blind when he was discharged. WILLM. MANTON."

" Sworn at the Borough of Warwick aforesaid, the 31st day of October, 1833, before me,

THOS. COLLINS, Mayor."

(AFFIDAVIT 2nd.)

" JOHN IRISH, of the Borough of Warwick, maketh oath and saith—that he knew Isaac Harris, deceased—that he several times led the said Isaac Harris to Mr. Wilmshurst's to be examined, for which he used to receive



a penny—that he was present when Mr. Wilmshurst examined him, and he asked him a great many questions, and whether he had not a little sight in one eye, and the said Isaac Harris replied he had not, but was quite dark—that the said Isaac Harris said he lost his sight in Egypt, and asked him to return him quite blind, which Mr. Wilmshurst said he could not do, as he had a little sight—that the said Isaac Harris repeatedly asked him to do so, and said he had not the least sight, but the said Mr. Wilmshurst always refused to return him quite blind. **JOHN IRISH.”**

“ Sworn at the Borough of Warwick aforesaid, the 31st day of October, 1833, before me,

**THOS. COLLINS, Mayor. ”**

(AFFIDAVIT 3rd.)

“ **SAMUEL CASHMORE**, of the Borough of Warwick, yeoman, maketh oath and saith—that he knew Isaac Harris, late of Warwick, deceased, for nearly 15 years before his death—that he believes he was then totally blind—that he heard about the circumstances of Isaac Harris’s pension, and went with him, at the request of Mrs. Sutton, to Coventry, to be examined by the Staff Surgeon there, but they arrived too late for him to be examined by him that day, and deponent left the said Isaac Harris at Coventry and returned home—that the said Isaac Harris informed this deponent that he was examined the next day, and he brought the papers back with him, and they were sent to London—that in consequence of some irregularity in the papers so sent, some fresh ones were sent down, and this deponent, on 27th March, 1827, went again to Coventry with the said Isaac Harris to the Staff Surgeon—that the said surgeon said, “ This is the same person I examined before,” and then asked him some questions and filled up the papers—that the papers were closed and directed by the surgeon in this deponent’s presence, and by him sent to London, and this deponent and the said Isaac Harris returned home—that he was informed a few days after that the said Isaac Harris was to have an increase of his pension.

**SAMUEL CASHMORE.”**

“ Sworn at the Borough of Warwick aforesaid, this 31st day of October, 1833, before me,

**THOS. COLLINS, Mayor.”**

(AFFIDAVIT 4th.)

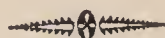
“ MARTHA SUTTON, wife of William Sutton, of the Borough of Warwick, yeoman, maketh oath and saith—that she knew and was well acquainted with Isaac Harris, late of Warwick, deceased—that he returned to Warwick about the year 1802, and about six months afterwards came to reside with her and her mother until this deponent’s marriage, and afterwards the said Isaac Harris continued to reside with them till his death, about four years ago—that he was discharged from his regiment in the year 1802, in consequence of being totally blind, and he was obliged to be led about—that she well recollects an order coming to those soldiers who had been discharged on account of blindness, directing them to be examined by some military surgeon—that the said Isaac Harris went to John Wilmshurst, of Warwick, surgeon, to be examined, and took with him the papers and certificate—that Mr. Wilmshurst examined him and returned that he could see with one eye, as the said Isaac Harris informed this deponent—that the said Isaac Harris complained to the Collector when he went to receive his pension, that he had not received his increased pension, to which he was entitled, as he was in fact totally blind—that about three quarters of a year afterwards, the Collector, who this deponent believes resided at Coventry, brought with him to Warwick some fresh papers and certificate for the said Isaac Harris, and told him to go again to Mr. Wilmshurst—that the said Isaac Harris asked this deponent to take them to Mr. Wilmshurst for him, which she did, and asked him to answer the questions again for Isaac Harris, and return him quite blind—that Mr. Wilmshurst said he would not, for he had answered them once and he would answer them no more—that deponent urged him to do so, but he refused, and she then asked him for the letter which had been sent to Mr. Wilmshurst, when he took it from his pocket and threw it in her face, and said “ d—n you and them and all together, I’ll have no more to do with it”—that Mr. Wilmshurst immediately afterwards came to this deponent’s house, and saw Harris, and told him it was of no use his writing, and he should not write any more—that he took away the letter, and said he should go and see the



Collector himself, which deponent believes he did—that the Collector told Harris he must go to the Staff Doctor, at Coventry, which he afterwards did twice, and then he had an increase of pension, and about the sum of thirteen or fourteen pounds for arrears, and the letter giving him the information of such increase was sent to the said Mr. Wilmshurst, who brought it down to Isaac Harris—that the increased pension for the said Isaac Harris was obtained through and by the Staff Surgeon at Coventry, and not by Mr. Wilmshurst.

The mark ✕ of MARTHA SUTTON."

" Sworn at the Borough of Warwick, this 31st day of  
October, 1833, before me,  
THOS. COLLINS, Mayor."



In the *Warwick Advertiser* of November 30th, 1833, Mr. Wilmshurst, in the following Letter addressed to the Editor, requests the insertion in that paper of the Documents given below:—

Sir,—As you some weeks since published Affidavits, which if unrefuted, might materially injure my character in the opinion of the public, both as a Magistrate of the Borough and as a professional man, I beg leave to intrude once more on your columns, by requesting you will insert the following Certificate and Correspondence with the Secretary of the Royal Hospital, Chelsea:—

(DOCUMENT 1st.)

Royal Hospital, Chelsea, 28th Nov. 1833.

Sir,—With reference to your Letter of the 18th instant relative to a Certificate, signed by you, respecting the state of the eye-sight of Isaac Harris, late of the 24th Foot, at 1s. 3d. per diem, and to the correspondence which took place upon the subject of his claim to increase of pension, I am directed to transmit to you copies thereof, and to



observe, that in consequence of its appearing, from your certificate, that the above man was "totally blind," an order for adding 6d. per diem to his pension was issued, but not carried into effect, until a report on the state of his disability had been obtained from a medical officer of the regular army in conformity to the practice established in cases of a similar description.

I have to add that it appears, upon examination, that prior to the receipt of your subsequent Letters, such report had been actually called for, but was not received at this Department until my answers to the said Letters had been forwarded: in consideration, however, of the report, made by you upon his first examination, and the corroboration thereof by the certificate of the Staff Surgeon, at Coventry, he was allowed the full benefit of the increased rate of pension, from the month of June, 1826.

I am, Sir,

Your most obedient Servant,

RICHD. NEAVE,

Secretary and Registrar.

J. Wilmshurst, Esq. Warwick.

(DOCUMENT 2d.)

Warwick, May 30th, 1826.

Sir,—I take the liberty of writing to you, on behalf of Isaac Harris, out-pensioner, late of the 24th Regiment of Foot. He has a pension, at present, of 1s. 3d. per day, on account of partial blindness when discharged; but within these few months has become totally blind, without any possibility of relief, and I understand he is in consequence entitled to an increase of 3d. per diem. If, Sir, I have done wrong in addressing this to you, will you have the goodness to forward it to the proper office, as the poor man is a great object of charity? On the other side is a medical certificate.

I have the honour to be, Sir,

Your obedient Servant,

J. WILMSHURST, Mayor.

To T. C. Brooksbank, Esq. &c. &c. &c.

I certify that Isaac Harris, out-pensioner, late of the 24th Foot, is now totally blind.

J. WILMSHURST,

Warwick, May 30th, 1826.

Surgeon, Warwick Militia.

(DOCUMENT 3rd.)

Royal Hospital, Chelsea, 3rd June, 1826.

Sir,—In reply to your Letter of the 31st ultimo, (addressed by mistake to Mr. Brooksbank, the agent for out-pensioners,) in behalf of Isaac Harris, an out-pensioner of this Hospital, from the 24th Regiment of Foot, at 1s. 3d. per diem, I am directed to acquaint you, that as it appears by your certificate the man in question is “totally blind,” the Lords Commissioners of this Hospital have been pleased to augment his pension to 1s. 9d. per diem; directions have, therefore, been given to pay him the difference of 6d. per diem to the 24th instant, and on the increased rate in future, on his applying to the Collector of Excise, at Warwick, to whom a new paper of instructions, for his future guidance, has been forwarded.

I am, Sir,

Your most obedient Servant,

RICHD. NEAVE.

To J. Wilmshurst, Esq. Mayor of Warwick.

(DOCUMENT 4th.)

Warwick, Feb. 9th, 1827.

Sir,—In the month of May or June, last year, I made an application in behalf of Isaac Harris, a pensioner of the 24th Foot, for an increase of pension, (accompanied by a medical certificate,) on account of blindness. You were kind enough to return me an answer, allowing of the justness of the man's claim, and stating that the increase of pension should take place from the 24th of June, 1826. The poor fellow has been most anxiously expecting to receive it from the Collector, but has constantly been told there were no instructions. Your Letter to me, of June last, has been given to the Collector, but has been mislaid or lost. May I beg, Sir, that you will consider the man's case again.

I have the honour to be,

Sir,

Your obedient Servant,

J. WILMSHURST.

B. Neave, Esq. &amp;c. &amp;c. &amp;c.

## (DOCUMENT 5th.)

Royal Hospital, Chelsea, 17th Feb. 1827.

Sir,—In Reply to your Letter of the 9th instant, in behalf of Isaac Harris, an out-pensioner of this Hospital, from the 24th foot, at 1s. 3d. per diem, I beg leave to acquaint you, that it will be necessary the man in question present the enclosed list of interrogatories to a Medical-officer of the regular army, and request him to insert his answers therein, and also to fill up the subjoined Certificate, minutely describing the present state of his eye-sight, and return the same to my office.

I am, Sir,

Your most obedient Servant,

RICHD. NEAVE,

J. Wilmshurst, Esq. Warwick.

Secretary and Registrar.

## (DOCUMENT 6th.)

Warwick, Feb. 18th, 1827.

Sir,—I beg to acknowledge the receipt of your Letter of yesterday, relative to the case of Isaac Harris, an out-pensioner from the 24th regiment of foot. I have to state, that by an order from the Army Medical Department, dated the 7th of September, 1825, I put the interrogatories, and examined and certified as to the state of the out-pensioners afflicted with blindness in this neighbourhood; and as there is no medical officer of the regular army nearer than Coventry, ten miles from Warwick, and as it would be attended with great inconvenience and some expence to a man totally blind, and in a state of pauperism, could I not now put the question and certify for him as before? And now, Sir, without offence, may I beg to remind you of your promise, that the man should receive his increase of pension from the 24th of last June?

I have the honour to be,

Sir,

Your obedient servant,

J. WILMSHURST.

R. Neave, Esq. &c. &c. &c.

Surgeon, Warwick Militia.



(DOCUMENT 7th.)

Royal Hospital, Chelsea, 9th March, 1827.

Sir,—With reference to your Letter, of the 18th ultimo, in behalf of Isaac Harris, an out-pensioner of this Hospital, from the 24th Foot, at 1s, 3d, per diem, I have to acquaint you, that the Lords Commissioners of this Establishment have no objection to your inserting the answers of the man in question in the list of interrogatories forwarded to you on the 17th of February, and also to fill up the annexed certificate, minutely describing the present state of his eyesight, which you will be pleased to return to my office. I have further to observe, that should it appear that the man in question is “totally blind,” directions will be given to cause him to be paid the arrears of increased pension from 25th June last.

I am, Sir,

Your most obedient servant,

RICHD. NEAVE,

J. Wilmshurst, Esq. Warwick.

Secretary and Registrar.

(DOCUMENT 8th.)

Royal Hospital, Chelsea, 30th March, 1827.

Sir,—With reference to my former correspondence relative to Isaac Harris, an out-pensioner of this Establishment, from the 24th Foot, I have to acquaint you, that the Lords Commissioners of this Hospital have been pleased to increase the pension of the man in question to 1s, 9d, per diem, and that directions have been given to cause him to be paid the difference of 6d, per diem, from the 24th of June, 1826, to the 24th of June, 1827, and at the increased rate in future, upon applying to the Collector of Excise, at Warwick, for the same.

I am, Sir,

Your most obedient servant,

RICHD. NEAVE,

J. Wilmshurst, Esq. Warwick.

Secretary and Registrar.

Now, Sir, I think I may safely leave Morris, and his host of Affidavits, in the hands of the Public,

And remain, Sir,

Your obedient servant,

WARWICK, November 29, 1833.

J. WILMSHURST.

THE END.

---

 John Cooper, Printer, Butts, Warwick.



